

MINUTES OF THE MEETING OF REGIONAL TRANSPORT

AUTHORITY ERNAKULAM HELD ON 23/09/2017

Present:- Chairman-

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

Members:-

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

2.Sri.K.G.Samuel, Deputy Transport Commissioner [Law], CZ- II, Ernakulam.

Item No.01

Perused decision of the State Transport Authority. The Secretary RTA is directed to accept applications in Form P.St.S.A after ensuring whether the applicant has filed written statement expressing his willingness to offer vehicle with age not older than eight years and place the application after a detailed route enquiry.

Item No.02

Heard; the learned counsel represented the STU, the applicant. This is the application for the grant of fresh regular permit in respect of stage carriage KL-15-A-2167 on the route Piravom-Koothattukulam-Ernakulam via Nadakkavu as Ordinary moffusil service. The major portion of the proposed route is overlaps notified routes and the applicant is the beneficiary of the notified schemes. Age of the offered stage carriage is within the limit prescribed by the STA. Therefore proposed regular permit is granted to stage Carriage KL-15-A-2167 with proposed set of timings.

Item No.03

Heard; the learned counsel represented the STU, the applicant. This is the application for the grant of fresh regular permit in respect of stage carriage KL-15-A-2171 on the route Thevara-Aluva- Aroor via Kaloor and Thoppumpady as Ordinary moffusil service. The proposed route is overlaps

notified routes and the applicant is the beneficiary of the notified schemes. Age of the offered stage carriage is within the limit prescribed by the STA. Therefore proposed regular permit is granted to Stage Carriage KL-15-A-2171 with proposed set of timings.

Item No.04

1.Perused judgment of Hon'ble STAT in M.V.A.A No.174/2016

2.Heard the applicant Sri.K.K.Asokan. This is the application for the grant of fresh regular permit in respect of a suitable stage carriage on the route Kaloor Bus Stand-Ponekkara-Makkekadavu as Ordinary moffusil service. The proposed route is an inter district route having route length of 42.4 km in which 17.4 km is lying under the jurisdiction of RTA,Alappuzha. RTA Alappuzha has given concurrence for the grant of proposed regular permit. The proposed route will not objectionably overlaps 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.This authority in its earlier sitting held on 17/08/2016, considered the application and rejected the same on the ground that the applicant failed to offer a suitable stage carriage not older than five years as suggested by the RTA. Thereafter, vide judgment in appeal No.174/2014 filed by the applicant, the State Transport Appellate Tribunal has held that the applicant for regular permit need not produce registration particulars of the vehicle, which he is free to produce after the grant of permit within the time provided under Rule 159[2] of KMV Rules and furnishing of particulars of the vehicle in the application itself is not mandatory, which is clarified in the reported decision in Aboobacker Vs RTA[2005][1]KLT987 .In this sitting, the applicant has intimated that he is willing to offer a suitable stage carriage having age within the limit prescribed by the State Transport Authority. Therefore the regular permit on the proposed route is granted to stage carriage not older than eight years owned or possessed by the applicant subject to settlement of timings.

3.The Secretary RTA is directed to convene timing conference only after the production of current records of the suitable vehicle within the time limit prescribed under Rule 159[2] of KMV Rules-1989.

Item No.05

1.Perused judgment of Hon'ble High Court of Kerala in WP© No.35170/2017

2.Heard; Adv.P.Deepak,the learned Counsel represented the applicant Sri.Anas.M.R. This is the application for the grant of fresh regular permit in respect of a suitable stage carriage on the route Varappuzha- Kumbalam North as Ordinary moffusil service. The proposed route is an intra district route having route length of 30.2 km .The proposed route will not objectionably overlaps 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.This authority in its earlier sitting held on 17/08/2016, considered the application and rejected the same on the ground that the applicant failed to offer a suitable stage carriage not older than five years as suggested by the RTA. Thereafter, in the light of judgment in WP© No.35170/2016, the STA decided and specified the age limit for applying and granting regular moffusil stage carriage permit as eight years. In the above circumstances, now the applicant has offered a stage carriage KL-07-CE-1580 of 2015 model possessed under lease agreement and requested to grant regular permit on the applied route. On perusal of the file it is evident that at present the applicant is operating service on the same route on the strength of temporary permit with a settled set of timings. Therefore the regular permit on the proposed route is granted to stage carriage not older than eight years owned or possessed by the applicant with the existing settled set of timings subject to the production of current records of the vehicle within the time limit specified U/R 159[2] KMVR-1989.

Item No.06

1.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-39-F-5146 on the route Thalayolapparambu- Kaloor via Kanjiramattam, Mulamthuruthy, Chottanikkara, Thiruvankulam, Trippunithura, Petta Jn ,Vytila and MG Road as ordinary moffusil service. The application is filed in the light of GO(P) No.05/2017/Tran dtd 21/02/2017 for converting the existing temporary permits with existing

settled set of timings as specified under Clause[4] of the above said Ernakulam- Muvattupuzha modified scheme.

This authority in its earlier sitting held on 17/05/2017 considered the application in detail in the light of GO(P) No.05/2017/Tran published vide S.R.O No.93/2017 dtd 21/02/2017 and adjourned the matter for the decision of STA related to the fixation of age limit in respect of stage carriages to be operated as ordinary service. Subsequently, decision of the STA held on 14/06/2017 published, wherein, the STA has specified age limit for applying and granting regular moffusil stage carriage permit as eight years. The offered stage carriage KL-39-F-5146 is of 2013 model, hence the vehicle is suitable for granting ordinary moffusil service.

Therefore in the light of GO(P) No.05/2017/Tran dtd 23/03/2017, this authority hereby regularized and converting temporary permit[7/2776/2015] in respect of stage carriage KL-39-F-5146 on the route Thalayolapparambu- Kaloor via Kanjiramattam, Mulamthuruthy, Chottanikkara, Thiruvankulam, Trippunithura, Petta Jn ,Vytila and MG Road as regular permit with existing settled set of time schedule.

2.The Secretary RTA is directed to issue regular permit with existing settled time schedule on production of current records of the vehicle within the time limit specified U/R 159[2] of KMV Rules-1989

Item No.07

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation and renewal of regular permit in respect of stage carriage KL-05-U-592 to operate on the modified route North Parur-Kaloor Bus Stand curtailing the service in between North Parur and Thathappilly for avoiding objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme as Ordinary moffusil service. This authority considered the application in detail. At present, the applicant is operating on the route North Parur-Kaloor Bus Stand- Thathappilly as Ordinary moffusil service. As the operation of service in between North Parur and Thathappilly is objectionably overlaps Aluva- Vadakkumpuram complete exclusion scheme, there exist legal impediment to renew the permit violating scheme of

nationalization. Hence the permit holder has applied for variation of regular permit and renewal of permit on the modified route North Parur- Kaloor Bus Stand by curtailment of service between North Parur and Thathappilly to overcome the legal impediment of objectionable overlapping.

This authority felt that the curtailment of service to Thathappilly will adversely affect the travelling public. But here is a legal impediment to renew the regular permit without avoiding the objectionable overlapping on nationalized scheme. Hence proposed variation is allowed without changing the existing timings and renewal of permit on the modified route North Parur-Kaloor Bus Stand is granted.

Item No.08

Heard; Adv.M.Jithesh Menon, the learned counsel represented the applicant and Counsel represented the KSRTC. This is the application for the variation of regular permit in respect of stage carriage KL-05-Y-4050 covered by regular permit on the route Cheranelloor- Ernakulam High Court Jn as ordinary moffusil service. By the proposed variation, the permit holder has desired to extend service from North Parur to Andissery temple in 4th trips. This authority considered the application in detail. The enquiry officer has reported that the proposed extension is highly beneficial to the public. The existing route will not objectionably overlaps notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 & GO(P) No.08/2017/Tran dtd 23/03/2017 and hence the grant of proposed variation will not violate Clause [4] & Clause[5] of the above said notifications. Therefore, proposed variation is granted subject to settlement of timings.

Item No.09

Heard; Adv.M.Jithesh Menon, the learned counsel represented the applicant and Counsel represented the KSRTC. This is the application for variation and renewal of regular permit in respect of stage carriage KL-06-C-4271 to operate on the modified route North Parur-Kaloor -Kakkanad curtailing the service in between North Parur and Puthukkode Temple for avoiding objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme as Ordinary moffusil service. This authority considered the

application in detail. At present, the applicant is operating on the route North Parur- Kaloor – Puthukkode Temple as Ordinary moffusil service. As the operation of service in between North Parur and Puthukkode Temple is objectionably overlaps Aluva- Vadakkumpuram complete exclusion scheme, there exist legal impediment to renew the permit violating scheme of nationalization. Hence the permit holder has applied for variation of regular permit and renewal of permit on the modified route North Parur- Kaloor - Kakkanad by curtailment of service between North Parur and Puthukkode Temple to overcome the legal impediment of objectionable overlapping .

This authority felt that the curtailment of service to Puthukkode Temple will adversely affect the travelling public. But here is a legal impediment to renew the regular permit without avoiding the objectionable overlapping on nationalized scheme. Hence proposed variation is allowed without changing the existing timings and renewal of permit on the modified route North Parur-Kaloor -Kakkanad is granted.

Item No.10

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage KL-07-BB-6243 operating on the route Kodungalloor- Ernakulam South as Ordinary moffusil service. By the proposed variation, the permit holder has desired to operate all trips except 3rd trip via container road deviating from Cheranelloor Signal Jn touching Aster Medicity bu curtailing Manjummel kavala and Edayakkunnam. In addition to the above, he has also desired to operate 3rd trip up to Aster Medicity curtailing trip to Ernakulam South. This authority considered the application in detail and reveals the following.

1. The regular permit was issued during the year 1996 and the portions existing route from Ernakulam South to Kacherippady for a distance of 4 km is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur 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 1996 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.

2. The route enquiry officer has specifically reported that the proposed curtailment of trips through Manjummel Kavala and Edayakkunnam will adversely affect the travelling public. Interest of the travelling public is the prime consideration for the grant of variation in existing service. The benefit accrued by the public shall not be deprived off consequent to the variation of a permit. In this case, the proposed variation is against the interest of public and hence it cannot be allowed. Moreover there is no necessity warranted U/R 145[6] of KMV Rules-1989 for the proposed variation.

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.10

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage KL-07-BB-6243 operating on the route Kodungalloor- Ernakulam South as Ordinary moffusil service. By the proposed variation, the permit holder has desired to operate all trips except 3rd trip via container road deviating from Cheranelloor Sinal Jn touching Aster Medicity bu curtailing Manjummel kavala and Edayakkunnam. In addition to the above, he has also desired to operate 3rd trip up to Aster Medicity curtailing trip to Ernakulam South. This authority considered the application in detail and reveals the following.

1. The regular permit was issued during the year 1996 and the portions existing route from Ernakulam South to Kacherippady for a distance

of 4 km is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur 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 1996 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.

2. The route enquiry officer has specifically reported that the proposed curtailment of trips through Manjummel Kavala and Edayakkunnam will adversely affect the travelling public. Interest of the travelling public is the prime consideration for the grant of variation in existing service. The benefit accrued by the public shall not be deprived off consequent to the variation of a permit. In this case, the proposed variation is against the interest of public and hence it cannot be allowed. Moreover there is no necessity warranted U/R 145[6] of KMV Rules-1989 for the proposed variation.

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.11

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage KL-08-AJ-2500 operating on the route Parambayam Kappela- Angamaly Bus Stand touching Manjapra as Ordinary moffusil service. By the proposed variation, the permit holder has desired to vary the permit by deviating all trips via FISAT by curtailing existing service. This authority in its earlier sitting held on

17/05/2017 considered the application for a detailed enquiry as there was strong objections stating that during the year 2007, the regular permit was granted on the existing route considering the interest of public and hence the curtailment of existing service through ill served areas will be against the interest of public. Now, the enquiry officer has furnished a detailed route enquiry report in this regard. This authority reconsidered the application in detail and reveals the following.

1. The regular permit was issued during the year 2007. The existing route Angamaly –Parambayam Kappela is having length of 25.7 km and the portions existing route from Angamaly to Karayamparambu Jn for a distance of 3.5 km is objectionably overlaps Trivandrum-Palakkad, and Trivandrum-Kannur 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 2007 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.
2. The route enquiry officer has specifically reported that initially during the year 2007, the regular permit was granted on the existing route considering the interest of the public residing at the remote areas in the route. Therefore the proposed curtailment of existing service through Njalookkara and other remote area will adversely affect the travelling public. Interest of the travelling public is the prime consideration for the grant of variation in existing service. The benefit accrued by the public shall not be deprived off consequent to the variation of a permit. In this case, the proposed variation is against the interest of public and hence it cannot be allowed. Moreover there

is no necessity warranted U/R 145[6] of KMV Rules-1989 for the proposed variation.

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.12

1.Perused the judgment of Hon'ble STAT in MVAA No.182/2015

2.Heard Adv.M.Jithesh Menon, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is the application for the renewal of the regular permit issued in respect of stage carriage KL-07-W-6229 to operate on the route Chellanam-Eramalloor-Medical College as Ordinary moffusil Service.This authority in its earlier sitting held on 26/05/2015 considered the application and rejected the same on the findings that

"the regular permit was issued on 30/03/2007 and subsequently the validity of the permit expired on 29/03/2012. The permit holder had not filed application for the renewal within the time limit prescribed under section 81[2] of MV Act 1988 and hence filed a request for condonation of delay in filing application. The application for the renewal of permit is filed only on 16/01/2015,after a long duration of three years.

As per Rule 152 of KMV Rules 1989, the vehicle shall be so maintained as to be available for the service for which the permit was granted,for the entire period of currency of the permit and the permit is liable to be suspended or cancelled, after due notice to the permit holder,if the vehicle has not been used for the purpose for which the permit was granted,for any day in the case of a stage carriage or for a continuous period of fifteen days. In this case the applicant is not operating service for a long period and failed to serve the need of public.

The permit holder has produced a medical certificate issued by the medical practitioner stating that he was hospitalized at the time of expiry permit and so many objections received against this stating that the applicant is an employee in KSRTC and hence the version of the applicant is not

genuine. The counsel represented the applicant also admitted the objection.Hence this authority is not satisfied with the reason for the inordinate delay in filing application.

As per Clause[4] of the notification No.42/2009/Tran dtd 14/07/2009,permits issued in the private sector on or before 09/05/2006 will be allowed to continue till the date of expiry of the respective permits. Thereafter, regular permits will be granted to them .When the State Transport Undertaking applies for introducing new services in the above routes, corresponding number of existing private stage carriage permits in the said routes whose permits expire first filing application by the STU shall not be renewed. As regards permits issued after 09/05/2006, temporary permits alone shall be issued afresh on expiry in the 31 routes or any portion thereof till such time the STU replaces with new services.In this case, the regular permit was issued on 30/03/2007 and the route is having length of 38.9 km.The portion of the proposed route from Eramalloor to Aroor and from Edappally to HMT Jn which are 8 km in length objectionably overlaps Trivandrum-Palakkad,Trivandrum-Kannur notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As aper clause [4] of the above said notification,this permit is not renewable.

Against the above order, the applicant preferred an appeal in M.V.A.A 182/2015. Vide judgment in above appeal, the Tribunal has directed this authority to consider the matter afresh in the light of GO(P) No.08/2017/Tran dtd 23/03/2017 and specified that the applicant already produced medical certificate before the RTA an delay was properly explained and directed that discretion of RTA has to be exercised judicially rather than rejecting the claim of appelliant technically.

In the light of judgment of Hon'ble STAT in MVAA No.182/2015, this authority reconsidered the application in detail.

The regular permit was issued on 30/03/2007 and subsequently the validity of the permit expired on 29/03/2012. The permit holder had not filed application for the renewal within the time limit prescribed under section 81[2] of MV Act 1988

The permit holder has produced a medical certificate issued by the medical practitioner stating that he was hospitalized at the time of expiry permit and so many objections received against this stating that the applicant is an employee in KSRTC and hence the version of the applicant is not genuine. The counsel represented the applicant also admitted the objection. Hence this authority is not satisfied with the reason for the inordinate delay in filing application. If the RTA exercised discretion judicially ,the explanation offered by the applicant cannot be accepted for the renewal of regular permit . Moreover the applicant had not operated service with effect from 30/03/2012 without any reason. Therefore the regular permit became infructuous.

Therefore, the application for the renewal of permit is hereby rejected.

Item No.13

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-42-L-1251 operating on the route North Parur-Vypin-Ernakulam High Court 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 29/04/1997. The proposed route is having length of 29.5 km and the route will not objectionably overlaps notified schemes 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 subject to the remittance of compounding fee for Rs.10000/- for the permitless operation of vehicle for 82 days.

Item No.14

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-06-D-2578

operating on the route Perumbavoor- Manjaly- North Parur as Ordinary moffusil Service. This authority considered the application in detail.

The route is having length of 46 km in which the portion of the route from North Parur to Vedimara which is 1.6 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the application for the renewal of regular permit is adjourned.

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

Item No.15

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-42-4572 operating on the route Gothuruthu North- Thevara Jn as Ordinary moffusil Service. This authority considered the application in detail.

The route is having length of 43 km in which the portion of the route from North Parur to Vadakkumpuram which is 4.4 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes

under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the application for the renewal of regular permit is adjourned.

2.The Secretary RTA is permitted to issue temporary permits in favour of the applicant 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 the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-AL-3373 operating on the route Mattancherry- Perumpadappu- Kumbalangi as Ordinary mofussil 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 18/01/2003. The proposed route is having length of 19.2 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. 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 conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

Item No.17

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-07-AN-5859 operating on the route South Chittoor- Thevara Ferry- Nettoor as Ordinary City 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 18/01/2003. The proposed route is having length of 19.2 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. 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 conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

Item No.18

1.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-40-5488 on the route Kizhakkambalam-Kottayam as LSOS. In this sitting, so many objections are raised by the public regarding the non operation of the vehicle to Kizhakkambalam. Therefore this authority decided to adjourn the matter with direction to the Secretary RTA to watch the service of the vehicle frequently and place the matter along with report of the field officer in the next sitting .

Item No.19

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-05-L-6235 operating on the route Valiyaparambu-Aluva as Ordinary moffusil Service. 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 12/10/2006 and subsequently renewed up to 11/10/2016. The proposed route is having length of 27.5 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. The route bus completed 15 years from the date of its original registration on 29/01/2017, but application for the replacement of the vehicle was filed only on 04/07/2017. As the enquiry officer has reported that the entire route is highly populated and the withdrawal of the service will adversely affect the travelling public. As per law ,there is no impediment

to renew the permit for continuous operation on the proposed route. Hence delay in production of vehicle for the replacement is condoned and renewal of regular permit is granted subject to the conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017.

2.The Secretary RTA is entrusted to consider the application for replacement of the vehicle in accordance with law.

Item No.20

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-07-BX-6569 operating on the route Thevara Ferry- Ponekkara-Amrutha Hospital as Ordinary City Service. This authority considered the application and connected records and objections and reveals that.

A. The regular permit in respect of the vehicle was expired on 22/06/2016 and the one Mr.Shijith, power of attorney holder has applied for the renewal of regular permit. Complaints have been received from the other stage carriage operator stating that the permit holder has been migrated from India and obtained American Citizenship. Another objection raised is that ,the Regional Transport Authority initially granted City stage carriage regular permit in favour of the permit holder under reservation quota as the permit holder belongs to the Scheduled Caste Community, but at present the vehicles KL-07-BX-6569 and the permit are under possession of another person who is not belongs to the Scheduled Caste Community. Therefore the complainant argued that due to the above action, the ratio between the permits issued in general quota and reservation quota are not maintained.

B.The learned Counsel represented the permit holder has also intimated that the permit holder is presently in U S A ,but not possessed American Citizenship and hence requested to renew the permit.

C. Stage carriage KL-07-BX-6569 is hypothecated to the Corporation Bank,Elamakkara. As per Section 51 of MV Act-1988, it is mandatory that an application for the renewal of permit shall be accompanied with No Objection Certificate issued by the financier. But in this case, the applicant has failed to submit such certificate.

In view of the above findings, this authority decided that

1.The permit holder is directed to produce No Objection Certificate from the financier.

2.The Secretary RTA is directed to ascertain whether the permit holder has obtained citizenship of another country and also report the details of present possession of the vehicle and permit.

Hence adjourned.

Item No.21

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-07-BB-8587 operating on the route Aluva- Chellanam as Ordinary City 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 24/06/2004. The proposed route is having length of 46 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017. 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 conditions stipulated in the Clause[4] of notification No.08/2017/Tran dtd 23/03/2017 and remittance of Rs.5000/- being the fine for the permitless operation.

Item No.22

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-C-690 on the route Padathikkara-Kaloor, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.23

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

02-T-707 on the route Kizhakkambalam-Kunnumpuram- Trippunithura-Aroor Jn, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.24

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-40-B-429 on the route Chalakkudy-Kanakkankadavu- North Parur, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.25

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-1047 on the route Cheranelloor- Trippunithura, 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-AZ-2254 on the route Chittethukara- Edakochi- Fort Kochi, 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-07-BF-1615 on the route Cheranelloor- Trippunithura, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.28

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BJ-3007 on the route Kumbalangy Ferry- Ponekkara, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.29

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-08-AL-4555 on the route Kurisumudy- Manjikkad, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.30

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-24-4816 on the route Puthukkalavattom-Chottanikkara, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.31

1.Perused the judgment of Hon'ble High Court of Kerala in WP(C) No.39140/2017 dtd 03/08/2017

2.Heard; Adv.Gopinathan Nair, the learned counsel represented the applicant, all legal heirs impleaded in the above writ petition. In the light of decision rendered by the Hon'ble High Court in Bhagyalakshmi Vs RTA Palakkad in 2010[4]KLT 431,Transfer of permit in respect of S/C KL-07-BA-4539 on the route Ernakulam High Court Jn-Manjapra, is allowed U/S 82[2] of MV Act-1988 as applied for subject to the clearance of Government dues, if any .

Item No.32

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant. Transfer of permit U/S 82[2] of MV Act in respect of S/C KL-07-AS-4352 on the route Edakochi- Mattancherry, 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-08-AF-7299 on the route Ernakulam High Court- North Parur, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.34

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-AN-5710 on the route Mundamveli- Chellanam- Aluva, 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-40-2628 on the route Varappuzha- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.36

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-5125 on the route Kadavanthara-Ernakulam South- Eloor Depot, 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. Transfer of permit in respect of S/C KL-07-BC-7475 on the route Kothad Ferry- South Chittoor- Kadavanthara, is allowed as applied for subject to the clearance of Government dues, if any .

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-08-V-5733 on the route Marampilly-Vellarappilly- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.39

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BY-7817 on the route Thuthiyoor- Fort Kochi, 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-AR-8172 on the route Mattancherry- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.41

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BS-9250 on the route Thalayolapparambu-Kaloor, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.42

Heard; Adv.Gopinathan Nair, the learned counsel represented the applicant Sri.Shibu Varghese. This is the application for the grant of further

temporary permit U/S 104 of MV Act-1988 on the route Anappara-Angamaly- Perumbavoor as Ordinary moffusil service in the vacant timings of stage carriage KEE-8787. This authority considered the application in detail. As the KSRTC is not operating sufficient service on the proposed route, temporary permit U/S 104 of MV act for a duration of 4 months is granted in the vacant timings of stage carriage KEE-8787 to newly offered stage carriage KL-17-E-9604 by replacing KL-41-A-6262 subject to the remittance of prescribed fee.

Item No.43

Heard; Adv.P.Deepak, the learned counsel represented the applicant Sri.T.J.Raju. This is the application for the grant of further temporary permit 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. As the is KSRTC not operating sufficient service on the proposed route, temporary permit U/S 104 of MV act is granted to stage carriage KL-17-4656 for a duration of 4 months or till the KSRTC operating service in the above vacancy whichever is earlier.

Item No.44

Heard; Adv.P.Deepak, the learned counsel represented the applicant Sri.Ameer.M.A. This is the application for the grant of further temporary permit U/S 104 of MV Act-1988 on the route Eloor Ferry- W/Island as Ordinary city service in the vacant timings of stage carriage KL-07-B-4887. This authority considered the application in detail. As the KSRTC is not operating sufficient service on the proposed route, temporary permit U/S 104 of MV act is granted to stage carriage KL-07-BE-1281 for a duration of 4 months or till the KSRTC operating service in the above vacancy whichever is earlier.

Item No.45

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.46

Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant Sri. Sreejith C.S. This is the application for the grant of temporary permit U/S 104 of MV Act in respect of stage carriage KL-07-AK-4447 on the route Kalluchira- Eloor Depot as Ordinary city service in the vacant timings of stage carriage KL-07-K-4753. This authority considered the application in detail. While consideration of the application in the sitting, Adv. Jithesh Menon has intimated that the offered vehicle KL-07-AK-4447 is registered as contract carriage and is not suitable for applying for stage carriage permit. This authority felt that the argument is genuine. As there is no provision in the MV Act and rules made there under to grant a permit to a contact carriage to operate in place of a stage carriage, application is hereby rejected.

Item No.47

Heard; the learned counsel represented the applicant Sri. Shaju. This is the application for the grant of temporary permit U/S 87[1]C of MV Act in respect of stage carriage KL-17-E-997 to operate on the route Pattimattam-Kakkanad in the vacant timings of stage carriage KL-41-L-1017. This authority considered the application in detail. Regular permit issued to stage carriage KL-41-L-1017 was surrendered and cancelled on 15/07/2017 and subsequently the vehicle sold to another person after obtaining clearance certificate. Hence the route became vacant. The route enquiry officer has reported that the entire route is highly populated and shortage of service will adversely affect the travelling public and school children and hence reported necessity for the grant of temporary permit U/S 87[1] C of MV act. Therefore temporary permit is granted to stage carriage KL-17-E-997 for a duration of 4 months in the vacant timings of stage carriage KL-41-L-1017.

Item No.48

Perused the judgment of Hon'ble High Court of Kerala in W.A No.1466/2017 and 1470/2017. The Secretary RTA is directed to act in accordance with the findings and observations rendered by the Hon'ble Court.

Item No.49

Heard; Adv.P.Deepak, the learned counsel represented the grantee of regular permit. This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Suneesh.E.S, Thittayil House Panangad.P.O to operate on the route Ponekkara- Vyttila- Cheppanam-Chathamma as Ordinary motor service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA, and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority, if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

In this sitting, the learned counsel represented Sri.Suneesh.E.S, the grantee of regular permit intimated that he has been purchased a new vehicle for availing granted regular permit and body of the vehicle is under construction. Hence the grantee has requested to grant maximum time for the production of current records specified U/R 159[2] of KMVR-1989.

Considering the request, this authority hereby granted maximum time of 4 months in with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.50

Heard;Adv.P.Deepak, the learned counsel represented the grantee of regular permit. This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Nidhin Damodharan, Kannammattu House, Pallilamkara, HMT Colony.P.O, Kalamassery to operate on the route Panangad- North Parur as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority,if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

In this sitting, the learned counsel represented Sri.Nidhin Damodharan, the grantee of regular permit intimated that he has been possessed a new vehicle under lease agreement for availing granted regular permit and body of the vehicle is under construction. Hence the grantee has requested to grant maximum time for the production of current records specified U/R 159[2] of KMVR-1989.

Considering the request, this authority hereby granted maximum time of 4 months in with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.51

The grantee of regular permit, Sri. Nizar.A.E is absent in the sitting . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Nizar.A.E, Aloor House, Vattekkunnam, Edappally.P.O to operate on the route Chennur- Kadamakudy- Vyttila Hub- Amrutha Hospital as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable

stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority,if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.52

Heard;Adv.P.Deepak, the learned counsel represented the grantee of regular permit Sri. Abdul Rafeek . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Abdul Rafeek, Cheeramkudy House, Kuzhivelippady, Edathala to operate on the route Pattimattam- Kizhakkambalam- Pukkattupady- Edappally Toll- Byepass- Vytila- -Panangad-Madavana as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority,if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

The learned counsel represented the grantee has requested to adjourn further decision as there is writ petitions are pending against the

decision of the STA. The request cannot be considered since the regular permit was granted before two years back and the issue is pending due to the non production of suitable vehicle by the grantee as specified by the RTA and STA.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.53

Heard;Adv.Jithesh Menon, the learned counsel represented the grantee of regular permit Sri. V.N.Sudhan . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.V.N.Sudhan, Valiyaveettil House, Kedamangalam, North Parur to operate on the route Vyttila Hub- Amrutha Hospital-Kedamangalam- North Parur as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority,if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

The learned counsel represented the grantee has requested to adjourn further decision as there is writ petitions are pending against the decision of the STA. The request cannot be considered since the regular permit was granted before two years back and the issue is pending due to the non production of suitable vehicle by the grantee as specified by the RTA and STA.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.54

The grantee of regular permit, Sri. Sajeevan.P was absent in the sitting . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Sajeevan.P, Koottalaveli House, Maruthorvattom.P.O to operate on the route Arthunkal Church- Vyttila Hub as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older

than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority,if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.55

Heard;Adv.Gopinathan Nair, the learned counsel represented the grantee of regular permit Sri. T.B.Kabeer . This authority considered the matter in

detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.T.B.Kabeer, Thoppil House, Mannam.P.O, North Parur to operate on the route North Parur- Vyttila Hub as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority,if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

The learned counsel represented the grantee has requested to adjourn further decision as there is writ petitions are pending against the decision of the STA. The request cannot be considered since the regular permit was granted before two years back and the issue is pending due to

the non production of suitable vehicle by the grantee as specified by the RTA and STA.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.56

Heard;Adv.Gopinathan Nair, the learned counsel represented the grantee of regular permit Sri. Amarnath Prabhu.K.V . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Amarnath Prabhu.K.V, Kolamveetil House, Thekkumpuram, Chendamangalam to operate on the route North Parur- Vyttila Hub as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority,if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

The learned counsel represented the grantee has requested to adjourn further decision as there is writ petitions are pending against the decision of the STA. The request cannot be considered since the regular permit was granted before two years back and the issue is pending due to the non production of suitable vehicle by the grantee as specified by the RTA and STA.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.57

Heard;Adv.Jithesh Menon, the learned counsel represented the grantee of regular permit Sri. Rajesh.B . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Rajesh.B, Padmavilasam, Sabari House, Kottuvally.P.O to operate on the route North Parur- Vyttila Hub as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of

Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority, if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

The learned counsel represented the grantee has requested to adjourn further decision as there is writ petitions are pending against the decision of the STA. The request cannot be considered since the regular permit was granted before two years back and the issue is pending due to the non production of suitable vehicle by the grantee as specified by the RTA and STA.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.58

Repetition of Item No.57. Hence dismissed

Item No.59

Heard;Adv.Gopinathan Nair, the learned counsel represented the grantee of regular permit Sri. Ebi.V.A . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Ebi.V.A, Vadassery House, Olanad, Varappuzha to operate on the route Kongorppilly-Kadamakudy- Vyttila Hub- Amrutha Hospital as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA , and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority,if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit

of one month. Hence the matter is placed for the consideration of this authority for a decision.

The learned counsel represented the grantee has requested to adjourn further decision as there is writ petitions are pending against the decision of the STA. The request cannot be considered since the regular permit was granted before two years back and the issue is pending due to the non production of suitable vehicle by the grantee as specified by the RTA and STA.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.60

The grantee of regular permit, Sri. Ajas Jebbar was absent in the sitting . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh regular permit in favour of Sri.Ajas Jebbar, Mulakkamveetil House, Padamugal, Thrikkakkara, Kakkanad to operate on the route Kizhakkambalam-Edappally- Kunnumpuram- Aroor as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA .

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to to be used for conducting ordinary stage carriage service within the state and directed the Regional

Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority, if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.61

Heard; Adv.P. Deepak, the learned counsel represented the grantee of regular permit Sri. T.S. Muhammed Shafi. This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.T.S. Muhammed Shafi to operate on the route Kizhakkambalam- Aluva- Perumbavoor as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA, and approached Hon'ble High Court of Kerala against the condition imposed by the RTA with regard to the age of the vehicle.

Vide judgment in batch of writ petitions of similar nature, the Hon'ble High Court of Kerala has directed the State Transport Authority to take a decision as to the maximum age of the vehicle to be used for conducting ordinary stage carriage service within the state and directed the Regional Transport Authority to reconsider the matter on the basis of decision taken by the State transport Authority, if necessary.

Thereafter, on 14-06-2017, the State Transport Authority considered the matter and fixed the age limit of stage carriages for applying and granting ordinary regular stage carriage permit as eight years.

In view of the order of State Transport Authority, notice was issued to the grantee of regular permit with direction to produce current records of the suitable stage carriage not older than 8 years within a period of one month specified under rule 159[2] of KMV Rules-1989 for availing regular permit granted on 17-08-2015. But, the grantee has not produced registration certificate and other records of the vehicle within the time limit of one month. Hence the matter is placed for the consideration of this authority for a decision.

The learned counsel represented the grantee has requested to adjourn further decision as there is writ petitions are pending against the decision of the STA. The request cannot be considered since the regular permit was granted before two years back and the issue is pending due to the non production of suitable vehicle by the grantee as specified by the RTA and STA.

Considering decision of the State Transport Authority, this authority hereby granted maximum time of 4 months with effect from 23/09/2017 for the production of current records of the suitable stage carriage not older than eight years. The Secretary RTA is entrusted to issue permit, if the grantee has obeyed the above decision.

If the grantee has not produced current records of the vehicle within the above time limit, the sanction of regular permit stands revoked.

Item No.62

Heard;Adv.P.Deepak, the learned counsel represented the grantee of regular permit Sri. Shivasankaran . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Shivasankaran, Vathyamparambath, Chengara, Pattimattam to operate on the route Pattimattam- Trippunithura- Kalamassery Medical College as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA and temporary permits are being obtained in the light of judgments of Hon'ble High Court and Hon'ble STAT.

The route on which regular permit was granted is overlapping on Ernakulam- Muvattupuzha notified scheme. After the grant of regular permit, the grantee has not availed the same by offering suitable vehicle specified by the Regional Transport Authority. Recently on 21/02/2017, the Government of Kerala vide Notification No. 05/2017/Tran, restricted the grant of permit on Ernakulam- Muvattupuzha notified route. In this case, the portion of the route from Trippunithura to Hill Palace, which is 2.2km and the portion from Trippunithura Bus Stand to S.N Jn which is 1.8 km are objectionably overlapping on Ernakulam- Muvattupuzha scheme.

Clause[4] of the above notification specified that existing regular permits in the private sector as on the date of publication of the scheme in gazette will be allowed to operate. Temporary permits shown in the annexure attached with the notification will also be permitted. But in this case, the regular permit granted on 17/08/2015 is not availed by the grantee even after the laps of two years and the temporary permit granted in compliance to the order of Hon'ble High Court in WP(C) No.97/2016 and order of the State Transport Appellate Tribunal are not included in the annexure attached with the above said notification.

Clause 5[C] of the notification says that, existing permits as on the date of publication of the scheme in the Gazette are permitted to operate,subject to Clause[4].

Clause[19] of the above said notification, it is directed that Regional/State Transport Authorities shall not grant any temporary/regular permits on the portions other than those mentioned in Clause 5[c] or vary the conditions of the existing permit.

While considering the above provisions of the scheme, this authority felt that the regular permit was granted in favour of Sri.Sivasankaran, Vathyamparambath, Chengara, Pattimattom on 17/08/2015. But the grantee had not produced records of the vehicle as specified by the RTA .Subsequently, after one and half year, a modification in Ernakulam-Muvattupuzha notified route was came in to effect and also the legal impediments to issue new stage carriage permits on that particular route or portions thereof. Therefore the granted regular permit cannot be issued violating provisions of Ernakulam- Muvattupuzha notified route modified vide GO(P) No.05/2017/Tran dtd 21/02/2017.

In view of the aforesaid legal impediments, sanction for the grant of new regular permit on the route Pattimattam- Trippunithura- Kalamassery Medical College ,which is objectionably overlapping on Ernakulam-Muvattupuzha notified route is hereby revoked.

Item No.63

Heard;Adv.P.Deepak, the learned counsel represented the grantee of regular permit Sri. Subair . This authority considered the matter in detail. Regional Transport Authority Ernakulam in its sitting held on 17/08/2015 granted a fresh intra district regular permit in favour of Sri.Subair.K.H, Kizhakkeanjikkattu,Kangarappady.P.O,Vadacode to operate on the route Pampakuda- Trippunithura- Kalamassery Medical College as Ordinary moffusil service subject to settlement of timings, subject to the condition that the grantee shall produce suitable stage carriage not older than 5 years from the date of its original registration. But the grantee had not offered suitable stage carriage with description specified by the RTA and temporary permits are being obtained in the light of judgments of Hon'ble High Court and Hon'ble STAT.

The route on which regular permit was granted is overlapping on Ernakulam- Muvattupuzha notified scheme. After the grant of regular permit, the grantee has not availed the same by offering suitable vehicle specified by the Regional Transport Authority. Recently on 21/02/2017, the Government of Kerala vide Notification No. 05/2017/Tran, restricted the grant of permit on Ernakulam- Muvattupuzha notified route. In this case, the portion of the route from Trippunithura to Hill Palace, which is 2.2km and the portion from Trippunithura Bus Stand to S.N Jn which is 1.8 km are objectionably overlapping on Ernakulam- Muvattupuzha scheme.

Clause[4] of the above notification specified that existing regular permits in the private sector a on the date of publication of the scheme in gazette will be allowed to operate. Temporary permits shown in the annexure attached with the notification will also be permitted. Bu in this case, the regular permit granted on 17/08/2015 is not availed by the grantee even after the laps of two years and the temporary permit ganted in compliance to the order of Hon'ble High Court in WP(C) No.97/2016 and order of the State Transport Appellate Tribunal are not included in the annexure attached with the above said notification.

Clause 5[C] of the notification says that, existing permits as on the date of publication of the scheme in the Gazette are permitted to operate,subject to Clause[4].

Clause[19] of the above said notification, it is directed that Regional/State Transport Authorities shall not grant any temporary/regular permits on the portions other than those mentioned in Clause 5[c] or vary the conditions of the existing permit.

While considering the above provisions of the scheme, this authority felt that the regular permit was granted in favour of Sri.Subair.K.H, Kizhakkeanjikkattu,Kangarappady.P.O,Vadacode on 17/08/2015. But the grantee had not produced records of the vehicle as specified by the RTA .Subsequently, after one and half year, a modification in Ernakulam- Muvattupuzha notified route was came in to effect and also the legal impediments to issue new stage carriage permits on that particular route or

portions thereof. Therefore the granted regular permit cannot be issued violating provisions of Ernakulam- Muvattupuzha notified route modified vide GO(P) No.05/2017/Tran dtd 21/02/2017.

In view of the aforesaid legal impediments, sanction for the grant of new regular permit on the route Pampakuda- Trippunithura- Kalamassery Medical College ,which is objectionably overlapping on Ernakulam- Muvattupuzha notified route is hereby revoked.

Item No.64

Heard all affected parties. This is the recommendation of Kochi City Traffic Police to prevent the entry of all vehicles from Trippunithura side through service road connecting Seaport-Airport Road and Collectorate - signal Jn road to avoid accident and traffic block. This authority considered the matter in detail. The enquiry officer representing the Secretary Regional Transport Authority has also strongly recommended the proposal of police authority.

Therefore considering the road safety aspects, this authority hereby decided to prevent the entry of all vehicles from Trippunithura side through service road connecting Seaport-Airport Road and Collectorate - signal Jn road.

The City Traffic police authority is directed to make necessary arrangements to erect "No Entry Board" in suitable place near Park Residency Hotel Jn without obstructing the entry of vehicles through Service road to Seaport-Airport road toward Trippunithura Side.

Item No.65

1.Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.11281/2015 dtd 29/06/2017

2.Heard; Adv.P.Deepak, the learned counsel represented the permit holder Sri.Sunil Thomas and Adv.Jithesh Menon,the learned counsel represented the objector Sri.Anil Kumar.

Sri.Sunil Thomas, Padamattummel Veedu, Chettikkad Kara, Moothakunnam, North Parur was the registered owner of stage carriage KL-

42-C-7698 and the vehicle was covered by a regular permit on the route Gothuruth- Ernakulam. Subsequently the vehicle replaced with a later model vehicle KL-42-K-1203 and the regular permit was expired on 31/08/2012. Sri.Anil Kumar, Komarethu Veedu,Neendoor Kara, Vadakkekara Village, Ernakulam has filed an objection against the permit holder in respect of stage carriage KL-42-K-1203 stating that on 24/09/2011, Sri.Sunil Thomas transferred possession of the old stage carriage and permit also to him by executing an agreement between them. Thereafter the permit holder violated the conditions in the agreement and finance company seized the vehicle KL-42-C-7698 invoking the provisions of SARFAESI Act. Therefore the objectors have lost possession of the vehicle, permit and money and subsequently the permit holder replaced the vehicle KL-42-C-7698 with another vehicle KL-42-K-1203. In this situation, the objector Sri. Anilkumar has requested to cancel the regular permit issued to Sri.Sunil Thomas U/S 86 of MV Act for the illegal transfer of possession of the vehicle and permit without prior intimation and sanction of the Regional Transport Authority.

This authority considered the matter in detail. The Hon'ble High Court of Kerala vide judgment in WP(C) No. 11281/2015 dtd 29/06/2017 directed this authority to consider the representation filed by the petitioner Sri.Anil Kumar in accordance with law and attain finality within two months. On perusal of the documents submitted by the petitioner, it is evident that the permit holder Sri.Sunil Thomas left possession of the old vehicle KL-42-C-7698 and regular permit issued to the vehicle on the route Gothuruth-Ernakulam without prior intimation to the Regional Transport Authority, the competent authority. Hence there is clear violation of the provisions of Rule 178 of the KMV Rules-1989. This action attracting action on permit U/S 86 of MV Act-1988.

Therefore the Secretary RTA is directed to issue show cause notice to the permit holder before taking action on regular permit and place the matter in the next sitting with explanation offered by the permit holder.

Item No.66

Heard; Adv.Gopinathan Nair, the learned counsel represented both the permit holder in respect of stage carriage KL-04-K-3119 covered by regular permit on the route Munambam- North Parur- Angamaly- Manjapra. The secretary RTA has submitted the matter to take action on regular permit for the non operation of stage carriage with effect from 05/11/2016 and for the non compliance of direction of the Regional Transport Authority held on 23-02-2017.This authority considered the matter in detail.

Stage Carriage KL-04-K-3119 was covered by above permit attained the age of 15 years on 04/11/2016, the permit holder has not offered another suitable vehicle for the replacement even after direction was issued to the permit holder. This inaction of the permit holder is resulted in the invalidation of regular permit. This authority in its sitting held on 23-02-2017 considered the issue and considering the request of the permit holder ,this authority allowed maximum time of 4 months up to 30/06/2017 for the production of suitable stage carriage for the replacement of the expired vehicle with a condition that the non production of vehicle within the above time limit will attract revocation of regular permit.

Even though the permit holder acknowledged the decision, he has failed to offer a suitable stage carriage for the replacement. This action lead to the deprival of travelling facilities of the public with effect from 05/11/2016. Moreover, the old vehicle KL-04-K-3119 is under huge tax arrears with effect from 01-07-2016. Therefore the Secretary RTA has again recommended to revoke the regular permit issued to stage carriage KL-04-K-3119 on the route Munambam- North Parur- Angamaly- Manjapra.

The learned counsel represented permit holder has also intimated that the permit holder is not financially sound to purchase another stage carriage and hence requested to hold the permit alone without vehicle.

This authority considered the request and reveals that there is no provision in the MV Act and Rules made there under to keep the permit alone without a vehicle. Moreover, vide judgment in W.A No.2486, 2455, 2769/2015, the Hon'ble High Court of Kerala has also clarified the above matter. Therefore, the request of the learned counsel for the permit holder is not maintainable.This authority is of opinion that the permit holder of stage

carriage KL-04-K-3119 is not qualified for maintaining a stage carriage service.

In these circumstances, this authority hereby cancelled the regular permit 07/5817/2012 issued to stage carriage KL-04-K-3119 .

The Secretary RTA is directed to initiate revenue recovery steps to realize pending arrears of tax.

Item No.67

The permit holder in respect of stage carriage KL-07-BF-3807 was absent in the sitting. On perusal of the file, it reveals that a criminal case 663/2015 filed by the officials of Motor Vehicles Department, against the permit holder for the prevention of official duty is pending with the Hon'ble JFMC,Maradu. Therefore this authority decided to adjourn the decision till the finalization of above criminal case.

Item No.68

Heard;Adv.P.Deepak,the learned counsel represented the permit holder of stage carriage KL-05-AN-3699 on the route Pathanamthitta-Chittarickal. This is the recommendation of the Secretary RTA to take action on permit in respect of the above vehicle for the violation of permit condition. As per the check report booked against the vehicle, the enquiry officer has reported that the permit holder operated service on notified route exclusively reserved for the State Transport Undertaking curtailing the service through the permitted non notified route.

As the permit holder violated the permit condition, this authority hereby suspend the permit issued to stage carriage KL-05-AN-3699 for a period of 30 days from 01/12/2017 U/S 86 of MV Act. The permit holder is given an option to compound the offence by remitting Rs.10000/-in lieu of suspension of permit.

If the permit is repeated the same offence in future, the permit will be cancelled without giving any consideration.

Item No.69

Heard;Adv.G.Prabhakaran,the learned counsel represented the permit holder of stage carriage KL-04-M-6535. This is the request of the permit holder seeking maximum time for the production of current records for availing granted renewal and transfer of permit. This authority considered the matter in detail.This authority in its sitting held on 23/02/2017 granted transfer of regular permit in respect of the stage carriage KL-04-M-6535 and thereafter on 17/05/2017 granted renewal of permit of the same vehicle on the route Eramalloor- Eramalloor. On perusal of the file, it is evident that the secretary RTA communicated the decision to the permit holder on 22/07/2017 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,as the vehicle is under some repair works.

Considering the request, maximum time of 4 months in aggregate prescribed in the Rule 159[2] of KMV Rules-1989 is granted from 22-07-2017 ,the date of receipt of communication of the decision of RTA held on 17/05/2017. If the permit holder has failed to produce the vehicle within the above period, the order of sanction stands revoked.

Item No.70

Heard;Adv.Stalin Peter Davis,the learned counsel represented the permit holder of stage carriage KL-17-6793 .This is the request of the permit holder and proposed transferee for the revocation of granted transfer of permit by this authority in the sitting held on 05/08/2014 intimating the reason that the sale could not be effected due to financial problem. Considering the joint request, this authority hereby revoke the order of sanction for transfer of permit in respect of stage carriage KL-17-6793 covered by regular permit on the route Vypin-Aluva Bus Stand.

The Secretary RTA is directed to cancel all proceedings taken in pursuant to the order of this authority dtd 05/08/2014 in item No.64.

Item No.71

Heard;Adv.G.Prabhakaran, the learned counsel represented the permit holder in respect of stage carriage KL-07-AH-6780. This sis the request for

condonation of delay in filing application and production of records for the replacement of the above stage carriage consequent to the completion of 15 years. Considering the reason for delay, request is allowed and delay of 19 days is hereby condoned.

Item No.72

Heard;Adv.G.Prabhakaran, the learned counsel represented the permit holder in respect of stage carriage KL-60-A-5324. This authority reconsidered the application for the renewal of regular permit on the route Ezhattumugham-Angamaly Air Port. This authority in the sitting held on 23/02/2017 considered the application for the renewal of permit in respect of above non existent vehicle and as there is no provision to renew a permit ,this authority denied to renew the permit .In the same time, the secretary RTA was directed to issue show cause notice to the permit holder for the cancellation of the permit . Thereafter, the permit holder filed an application for the replacement of the vehicle specifying a registration Mark KL-10-AA-6960 of 2007 model. But records of the vehicle is not produced by the permit holder. The agenda submitted by the Secretary RTA is not explained the present possession of the offered stage carriage KL-10-AA-6960.

Therefore the Secretary RTA is directed to verify the possession of the offered vehicle and financial stability of the permit holder for the maintenance of stage carriage service and furnish a detailed agenda in the next sitting .Hence adjourned.

Item No.73

Heard;Adv.P.Deepak, the learned counsel represented the permit holder in respect of stage carriage KL-02-X-7300.He has intimated that all the check reports were compounded at the office of the Secretary RTA and hence requested to drop further actions in this regard. The Secretary RTA has reported the genuineness of the version of the learned counsel. This authority felt that as there is no check reports pending against the vehicle, no further orders required. Hence dismissed .

Item No.74

Action taken by the Secretary RTA by issuing clearance certificate after acceptance of surrender of permit in respect of stage carriage KL-07-AV-9233 is hereby ratified and regular permit issued on the route Piravom-Kaloor in respect of the above vehicle is cancelled.

Item No.75

Action taken by the Secretary RTA by issuing clearance certificate after acceptance of surrender of permit in respect of stage carriage KL-08-AH-8937 is hereby ratified and regular permit issued on the route Mulavukad-Ernakulam in respect of the above vehicle is cancelled.

Item No.76

Perused the check reports booked against the stage carriage KL-34-B-9599. So many check reports were booked by the enforcement officers in the Motor vehicles department against the stage carriage for the repeated route violation of similar nature. Considering the gravity of offence and non compliance of directions issued by the checking officers, this authority is decided to take action on permit issued to stage carriage KL-34-B-9599 as follows.

SL. NO	CHECK REPORT DT	OFFENCES	PUNISHMENT
1	04/07/2013	1.The Driver Has Failed To Produce Mdl(Adarsh Krishna) 2.No Valid Permit,Cf,Tax,Ic 3.found conducting service through nationalised route violating permit condition	Decided to suspend the permit for one month from 01/12/2017 . The permit holder is given an option to remit compounding fee for Rs.10000/- before 30/11/2017 in lieu of suspension of permit

2	04/07/2013	Found Carrying About 28 Nos Of Adult Passengers Proceedind To Punaloor With Destination Board Punaloor Wthout Valid Permit To Ply This Route,Ic,Cf TI,Rc,Pucc Not Produced	Decided to suspend the permit for one month from 01/01/2018 . The permit holder is given an option to remit compounding fee for Rs.10000/- before 31/12/2017 in lieu of suspension of permit
3	24/07/2013	At The Time Of Checking The Vehicle Is With 11 Passengers.None Of The Original Records Produced.As Per The Produced Tp It Expiered On 04/12/12,The Vehicle Has To Operate On The Route Kaipattore-Aluva Via Pta,Tdpa,Mvpa,Pbvr.It Is Suspected That The Vehicle Is Operating Repeatedly On The Deviated Route In The Pbvr-Mvpa Mc Road Is A Nationalised Route.The S/C Had Already Booked For The Same Offence	Decided to suspend the permit for one month from 01/02/2018 . The permit holder is given an option to remit compounding fee for Rs.10000/- before 31/01/2018 in lieu of suspension of permit
4	24/03/2014	CONDUCTING SERVICE PROCEEDING TO ALUVA[Destination Board Exhibitted As PUNALUR-ALUVA].PERMIT,IC,IC,CF ARE NOT PRODUCED FOR VERIFICATION	Punished to compound Rs.5000/- being the fine for committed offence
5	08/12/2016	1.Found Conducting S/C Service From Kaipettoor To Aluva Through M.C.Road Via Pulluvazhy Carrying Passengers And Seen As Ticket Issued.-Route Violation Detected. 2.Conductor Licence Not Produced.	Decided to suspend the existing permit for one month from 01/03/2018 . The permit holder is given an option to remit compounding fee for Rs.10000/- before 28/02/2018 in lieu of suspension of permit
6	13/03/2017	1.Conducting Service With 41 Passengers, Showing Destinations As Punalur To Aluva. No Valid Permit Shown On Demand.	Punished to compound Rs.5000/- being the fine for committed offence

		2.Valid Tax Tocken For Q.E.- 31/12/2016 And 31/03/2017 (With R.C.)	
7	04/03/2017	1.Found Conducting Service With 32 Passengers In The Route Punalur-Aluva. But As Per Permit This Vehicle Has To Be Conducted Service From Kaipattoor To Aluva.	Punished to compound Rs.5000/- being the fine for committed offence
8	06/03/2017	1.Found Conducting Service With 44 Passengers Exhibiting Destination Board As Perumbavoor Via Aluva. As Per Permit It Is As Kaippattur- Aluva	Punished to compound Rs.5000/- being the fine for committed offence
9	07/02/2017	1 R.C.,I.C.,Pucc And C.F.Not Produced 2. Found Conducting Service From Muvattupuzha- Perumbavoor Via M.C.Road It Is Route Voilation.	Decided to suspend the existing permit for one month from 01/04/2018 . The permit holder is given an option to remit compounding fee for Rs.10000/- before 31/03/2018 in lieu of suspension of permit
10	21/03/2017	1.Conducting Service From Muvattupuzha To Perumbavoor Via M.C.Road Found Route Violation	Decided to suspend the existing permit for one month from 01/05/2018 . The permit holder is given an option to remit compounding fee for Rs.10000/- before 30/04/2018 in lieu of suspension of permit

Item No.77

Heard;Adv.P.Deepak, the learned counsel represented the permit holder Sri.Alosious. This is the application for the replacement of stage carriage KL-07-AE-7755 covered by a regular permit on the route W/Island-Pallithode.This authority perused the file and considered the application in detail. Stage carriage KL-07-AE-7755 was covered by a regular permit valid up to 06/09/2018 on the route Willington Island-Pallithode as Ordinary

Moffusil Service. The vehicle attained age of 15 years on 22/08/2016. On 28/07/2017 after the lapse of one year the permit holder offered another stage carriage KL-07-AN-6936 for the replacement of vehicle. On enquiry, the field officer has reported that the old stage carriage KL-07-AE-7755 was under Non-Use intimation with effect from 01/04/2016 and during the above period, the vehicle was dismantled on 05/03/2017 before replacing the vehicle with another suitable . Due to the releasing of the vehicle from the permit, there was no vehicle to hold the permit and hence there is no provision in the Motor Vehicles Act-1988 and Rules made there under to treat a permit valid in the absence of vehicle. Moreover, vide judgment in W.A No.2486, 2455, 2769/2015, the Hon'ble High Court of Kerala has also clarified the non existence of the permit without attachment of vehicle.

In this case, the vehicle KL-07-AE-7755 covered by regular permit was removed from the permit on 05/03/2017 by dismantling the vehicle without prior intimation to the permit granted authority. Therefore the regular permit is liable to be cancelled.

Therefore, the Secretary RTA is directed to issue show cause notice to the permit holder and place the matter with explanation of the permit holder in the next sitting of the authority. Hence adjourned.

Item No.78

1.Perused the judgment of Hon'ble High Court of Kerala in WP(C) No.7639/2017

2.Heard;all affected parties. The writ petition[Civil] No.7639/2017 was filed seeking removal of unauthorized parking of autorickshaws in front of Kadungalloor Grama Panchayath Office hindering movement of public. Vide judgment in above writ petition, the Hon'ble High Court has directed the Kadungalloor Panchayath authority to take steps to stop unauthorized parking and also directed to ensure a proper parking place within the panchayath limit in accordance with law.

In the light of above judgment, the Secretary, Kadungalloor Grama Panchayath has submitted a copy of the resolution passed dtd 15/07/2017 preventing the existing parking in the premises of panchayath office and

allotted a new place near Panchayath Jn and Binani Police station for the parking of autorickshaws.

The Secretary RTA has conducted a local enquiry to ascertain the feasibility of parking place proposed by the panchayath authority. As per the enquiry report at present forty two autorickshaw permits were issued with parking place Kadungalloor Grama panchayath, but only five autorickshaws can be parked at new place proposed by Kadungalloor Grama Panchayath. But Panchayath authority has not proposed sufficient space for the parking of remaining 37 autorickshaws.

-However, this authority approved the parking place allotted by the Kadungalloor Gramapanchayath for the parking of five autorickshaws.

-The Secretary, Kadungalloor Grama panchayath shall provide sufficient space for the remaining autorickshaws within their jurisdiction subject to the approval of this authority.

-Till sufficient space allotted by the Panchayath Authority, the permit holders can operate service by parking the vehicle at their house premises.

Item No.79

1.Perused the judgment of Hon'ble High Court of Kerala in WP(C) No.27934/2016

2.Heard;all affected parties. The Pallippuram Grama Panchayath has allotted 0.0550 hector land under survey number 420/19 at Devaswam Nada Jn for the parking of autorickshaws. The enquiry officer in the Motor Vehicles Department has reported that Thirty Eight autorickshaws can be parked at the space allotted by the Pallippuram Grama Panchayath.

3.The Panchayath authority has intimated that the allotted space cannot be allowed for the parking of any other vehicles including Motor Cabs. So many representations were received for the sanctioning of parking place for Motor Cab popularly called Auto Taxi. This authority also considered the request and felt that, the auto taxis are issued with contract carriage permit,which allow them to operate all fit roads in Kerala state except those prohibited by any law in force,with no specified parking places. Therefore it is not feasible

to recommend the panchayath authority to allot parking place for the above class of vehicles.

In view of the aforesaid facts and circumstances,

- A. Allotted 0.0550 hector land under survey number 420/19 at Devaswam Nada Jn for the parking by the Pallippuram Grama Panchayath is here by approved for the parking of Thirty Eight Authorickshaws.
- B. Request for sanctioning of parking place for Motor Cabs in the Pallippuram Grama panchayathare hereby rejected as there is no provision in the MV Act and rules made there under to allot parking place to the vehicles under classification of Motor Cabs

Item No.80

1.Perused the judgment of Hon'ble High Court of Kerala in WP(C) No.6850/2016

2.Heard;all affected parties.This is the request for approval for the parking place allotted by the North Parur Municipality for the parking of Motor Cabs popularly called as Auto Taxi.

This authority reconsidered the matter in the light of enquiry report furnished by the field officer. The enquiry officer in his report specifically reported that the space proposed by the North Parur Municipality near Ammenkovil Road is not feasible due to following reasons.

- A. Parking at proposed space will block the passage of pedestrians and it will constrained them to walk through the main carriage way,which is more dangerous.
- B. There is no sufficient shoulder area to the proposed road portion.If the parking is allowed, the vehicles will cross the white line marked along the side of the road,which will reduce the space for pedestrians.
- C. As per the Regulations 22[2] of Motor Vehicles Diriving regulations-2017 came in to effect on 23-06-2017,vehicle shall not be parked on

1. On a foot path, Cycle track and Pedestrian Crossing
2. Before or after an intersection or a junction up to a distance of 50 meters from the edge of the intersection or junction.

In this case, the proposed space for parking is within 50 meters from the Ammencovil Jn and if the proposal is approved, it will be against the road safety aspects and Motor Vehicles Driving regulations-2017.

Therefore the request for approval of parking place for the Motor Cabs at Ammencovil Jn in the North Parur Municipality is hereby rejected.

Item No.81

Heard the applicant. This is the application for the grant of fresh regular permit in respect of a suitable stage carriage on the route Kalady- Kakkanad via Kanjoor, Kaipra, Thuruth, Mahilalayam, Edayappuram, Cochin Bank, Combara, Medical College and Seaport- Airport Road as Ordinary moffusil service. The proposed route is an intra district route having route length of 27.9 km. The proposed route will not objectionably overlaps 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. In this sitting, the applicant has intimated that he is willing to offer a suitable stage carriage not older than eight years. Therefore the regular permit on the proposed route is granted to stage carriage not older than eight years owned by the applicant subject to the settlement of timings subject to the production of current records of the vehicle within the time limit specified U/R 159[2] KMVR-1989.

Supplementary Item No.01

1. Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.26939/2017

2. This is the application for the grant of fresh inter district permit on the route Eramalloor-Infopark-Edachira as ordinary moffusil service. The applicant was absent. Hence adjourned to next sitting

Supplementary Item No.02

Heard; Adv.P.Deepak, the learned counsel represented the permit holder of stage carriage KL-07-CD-1857. This is the application for the renewal of

regular permit in respect of the above stage carriage. The vehicle covered by regular permit is under Hypothecation agreement with Indian Overseas Bank Lts, Udyogamandal. The financier has filed objection against the renewal of permit. As per section 51 of Mv Act-1988, no objection certificate from the financier is a mandatory requirement for the renewal of permit. The learned counsel representing the permit holder has intimated that he has filed a Writ petition against the financier and the same is pending with the Hon'ble High Court of Kerala. Therefore he has requested to adjourn decision for the order in above writ petition. Considering the request, decision is adjourned.

Supplementary Item No.03

Heard all affected parties. This is the request of Police Sub Inspector Eloor for the refixation of existing bus stop in front of Eloor Manjummel Church to another suitable place. He has intimated that the position of the existing bus stops at Eloor Manjummel Church are not convenient and the existence of two bus stops for buses towards Eloor and towards Kunnumpuram at same place are lead to heavy traffic congestion and severe road accidents.

The enquiry officer representing the Secretary, Regional Transport Authority has also recommended the proposal of the police authority and recommended to shift the existing bus stop for buses towards Kunnumpuram side to in front of Ration kada near to existing auto stand.

This authority considered the application in detail. Considering the aspects of road safety, this authority hereby approve the recommendation to shift the existing bus stop for buses towards Kunnumpuram side to in front of Ration kada near to existing auto stand subject to the concurrence of PWD and local body.

Supplementary Item No.04

Heard all affected parties. The District Collector, Ernakulam has intimated that so many complaints have been received against the movement of long container lorries and similar vehicles during the peak hours of the day blocking other vehicles such as Stage Carriages, Private Cars etc. In view of the intimation, a detailed enquiry has been conducted by the Secretary RTA

and as per the report, after the commencement of Vallarpadam container Terminal, long container carriers are operating across Kerala round the clock connecting container terminal. As the City roads of Ernakulam are vehicular congested, operation of long goods carriers and containers during the peak hours are making heavy traffic blocks and also restricting the movement of emergency vehicles. Therefore recommended to restrict the movement of 40 feet and above container carriers and other long load carriers during peak hours on the following road portions.

- 1.HMT Jn to Karingachira via Kakkanad
- 2.HMT Jn to Pukkattupady via Vallathol Jn
- 3.Civil Lane Road Palarivattom –Kakkanad- Infopark
- 4.Trippunithura-Synthyte- Kizhakkambalam-Kolencherry
- 5.Aluva Paravur Jn-North Parur- Moothakunnam
6. Thottakkattukara- Kadungalloor-Panayikkulam-Varappuzha
- 7.Aluva- Perumbavoor[KSRTC & Private Route]
- 8.Athani-Paravur via Manjaly
- 9.Angamaly-Kalady-Perumbavoor

This authority considered the matter in detail. Considering the safety of public and to reduce the heavy traffic congestion in the roads of Ernakulam district, this authority hereby prohibit the movement of 40 feet and above container carriers and other long load carriers during following peak hours of the day

In between 8.30AM and 11.00AM

In between 3.30 AM and 6.00PM

Supplementary Item No.05

Perused GO(P) No.40/2016/Tran dtd 31/05/2016,where in the Government of Kerala have amended the Rule 280 of Kerala Motor Vehicles Rules -1989

implementing door shutter in City Stage carriages also considering the safety of travelling public.

The Secretary ,Regional Transport Authority is directed to implement the Government with immediate effect and ensure that all stage carriages issued with permit by the Regional Transport Authority Ernakulam shall be provided with door shutter during service.

Supplementary Item No.06

Reconsidered the objection filed by Sri.Arun David against the unauthorised construction of bus shelter at Panampill Nagar.This authority in its sitting held on 15/07/2017 considered the matter and the decision was adjourned with direction to the Secretary RTA to conduct a detailed enquiry on objection filed by Sri.Arun David.

Now the Secretary, Regional Transport Authority has reported that, the bus shelter constructing in a junction called Avenue Centre Jn.The place is an inter junction consisting of several commercial shops, ATMs, Educational institutions etc. On enquiry it is learned that any statutory authorities have not given sanction the construction of bus shelter in question. The enquiry officer has also reported that the place at which the bus shelter is constructing is an accident prone area and the place is not feasible for the construction of bus shelter.

Considering the report of the enquiry officer, this authority hereby decide to intimate the District Collector Ernakulam to issue stop Memo for the construction of unauthorized bus shelter at inconvenient place as the construction is against the road safety and public safety.

The Secretary RTA is directed to issue direction to the Corporation of Cochin to restrict the unauthorized construction of bus shelter without approval of road safety counsel.

Supplementary Item No.07

Heard all affected parties. This is the request of the Assistant Commissioner of Police, Traffic West,Kochi for the approval of the following traffic modifications implemented Pachalam Jn to reduce traffic congestion.

1. Oneway from Pachalam Junction to Kannachanthodu Road Junction
2. No Entry from Chittur Road to Chathyath Road
3. One way from Kannachan thodu Road Junction to Mathai Manjooran Road
4. No Entry from Mathai Manjooran Road to Kannachan thodu Road
5. One way from Kannachan thodu Road to Pachalam Junction at Mathai Manjooran Road
6. No Entry from Pachalam Junction to Mathai Manjooran Road³
7. Oneway from Lourde Hospital Junction to Pachalam Junction
8. No Entry from Pachalam Junction to Lourde Hospital Junction
9. One Way from R C Church Junction to Pachalam Lourde Hospital road Junction at Chathyath Road

Considering the aspects of road safety and to reduce traffic congestion, above proposal is approved and preliminary sanction is hereby accorded for the above traffic modification on public interest.

Sd/- Chairman & Members

RTA Ernakulam