

Minutes of the Meeting of RTA,Idukki Held on 26/12/2018

Present :1.Sri.Jeevan Babu K,IAS District Collector and Chairman, RTA,Idukki
2.Sri.Shaji Joseph ,Deputy Transport Commissioner Central Zone II,Eranakulam &
Member RTA ,Idukki.

Item No.01

Heard .The learned counsel represented for the applicant. This is an application for fresh intra district regular permit in respect of a new or suitable stage carriage with seating capacity 38 in all to operate on the route Devikulam-Adimaly Touching Muttukade Via Munnar,Anachal,Thokkupara,Kunjithanny Pottankade and Bisonvally as Ordinary Service having route length 54 kms..This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative. There is no objectionable overlapping with any notified or nationalized schemes and virgin portion. The field officer reported that the proposed service will be beneficial for the travelling public and students. Thus, we are of the common view that there is no legal impediment to grant regular permit as sought by the applicant .Hence regular permit is **granted** subject to settlement of timings as per D3/ 2813/STA/2013 dtd 21/04/2018 circular and production of the current records of a suitable vehicle within the time limit specified U/R 159(2) of KMVR-1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.02

Heard .The learned counsel represented for the applicant. This is an application for fresh intra district regular permit in respect of a new or suitable stage carriage with seating capacity 38 in all to operate on the route Munnar-Adimaly Via Anachal Thokkupara and Iruttukanam as Ordinary Service having route length 28kms.

. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative. There is no objectionable overlapping with any notified or nationalized schemes and virgin portion. The field officer reported that the proposed service will be beneficial for the travelling public and students. Thus, we are of the common view that there is no legal impediment to grant regular permit as sought by the applicant .Hence regular permit is **granted** subject to settlement of timings as per D3/ 2813/STA/2013 dtd 21/04/2018 and production of the current records of a suitable vehicle within the time limit specified U/R 159(2) of KMVR-1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.03

Heard .The learned counsel represented for the applicant. This is an application for fresh intra district regular permit in respect of a new or suitable stage carriage with seating capacity 48 in all to operate on the route Adimaly-Munnar, Via Iruttukanam Thokkupara , Anachal and Halt at Anachal as Ordinary Service having route length 28 kms.This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative. There is no objectionable overlapping with any notified or nationalized schemes and virgin portion. The field officer reported that the proposed service will be beneficial for the travelling public and students. Thus, we are of the common view that there is no legal impediment to grant regular permit as sought by the applicant .Hence regular permit is **granted** subject to settlement of timings as per D3/ 2813/STA/2013 dtd 21/04/2018 and production of the current records of a suitable vehicle within the time limit specified U/R 159(2) of KMVR-1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.04

Heard .The learned counsel represented for the applicant. This is an application for fresh intra district regular permit in respect of a new or suitable stage carriage with seating capacity 48 in all to operate on the route Nedumkandam-Kottayam Medical College Via, Balagram, Kattappana, Elappara, Vagamon, Erattupetta, Pala, Cherpumkal, Kidangoore, Ayarkunnam, Ettumanoore, Athirampuzha and Amalagiry as LSOS having route length 137 kms . This authority verified the application and connected documents in detail. A distance of 66 Kms lies under the jurisdiction of RTA Kottayam. Secretary, RTA is directed to call for concurrence with intermediate points of RTA Kottayam in accordance with sub rule (2) of rule 171 of KMV rule 1989 and GO(P) 8/17/Tran dtd.23/03/2017 . Hence the application is **adjourned**.

Item No.05

Heard. The learned counsel represented for the applicant. This is an application for fresh regular permit in respect of a new or suitable stage carriage with seating capacity 48 in all to operate on the route 10 mile – Adimaly Via Irumpupalam and Machiplavu as Ordinary Service having route length 12 kms. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative. There is no objectionable overlapping with any notified or nationalized schemes and virgin portion. The field officer reported that the proposed service will be beneficial for the travelling public and students. Thus, we are of the common view that there is no legal impediment to grant regular permit as sought by the applicant .Hence regular permit is **granted** subject to settlement of timings as per D3/ 2813/STA/2013 dtd 21/04/2018 circular and production of the current records of a suitable vehicle within the time limit specified U/R 159(2) of KMVR-1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.06

Heard. The learned counsel represented for the applicant. This is an application for fresh regular permit in respect of a new or suitable stage carriage with seating capacity 48 in all to operate on the route Adimaly-Santhanpara touching Konnathady Via Iruttukanam,Thokkupara,Anachal,Adit,Kunjithanny,Rajakkad,Rajakumary,Pooppara,Kalathrakkuzhy,Panniyarkutty,Vellathuval,Kallarkutty as Ordinary Service. having route length 76 kms. This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative. There is no objectionable overlapping with any notified or nationalized schemes and virgin portion. The field officer reported that the proposed service will be beneficial for the travelling public and students. Thus, we are of the common view that there is no legal impediment to grant regular permit as sought by the applicant .Hence regular permit is **granted** subject to settlement of timings as per D3/ 2813/STA/2013 dtd 21/04/2018 circular and production of the current records of a suitable vehicle within the time limit specified U/R 159(2) of KMVR-1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.07

Heard. The learned counsel represented for the applicant. This is an application for fresh regular permit in respect of a new or suitable stage carriage with seating capacity 48 in all to operate on the route Vagamon-Kumaly Touching Kuttikkanam Via Valacode,Upputhara,ChenkaraVellaramkunnu,4thMile,Karimtharuvi,Kolahalamedu,Mottakkunnu as Ordinary Service having route length 99.6 kms. RTA on 04/10/2018 considered the matter and adjourned the same since there is some objections raised against the fitness of the virgin portion. Hence Secretary RTA was directed to obtain a specific report from the competitive authority regarding the fitness of the virgin portion as reported by the field officer and place the application before the next meeting of this Authority. Now Assistant Engineer LSGD Section ,Elappara reported that the said virgin portion is fit for conducting stage carriage .This authority verified the application and connected documents in detail. We have also considered all the objections raised in the open hearing of this authority including that of the KSRTC representative. There is no objectionable overlapping with any notified or nationalized schemes and virgin portion. The field officer reported that the proposed service will be beneficial for the travelling public and students. Thus, we are of the common view that there is no legal impediment to grant regular permit as sought by the applicant .Hence regular permit is **granted** subject to settlement of timings as per D3/ 2813/STA/2013 dtd 21/04/2018 circular and production of the current records of a suitable vehicle within the time limit specified U/R 159(2) of KMVR-1989 failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.08

Heard. The learned counsel represented for the applicant . This is an application filed for renewal of regular permit in respect of the S/C KL-7-CG-6282 for the period from 11/12/2012 to 10/12/2017 and further 5years on the route Ernakulam – Kumily(via)M.G.Road, Palarivattom ,Kakkanad,Pukkattupady ,Perumbavoor,Kothamangalam,Neendapara,Idukki,Kattappana and Puttady with an additional cut trip from Ernakulam t o Perumbavoor-via, Palarivattom,Kakkanad ,Navodaya,Kangarapady,Pukkattupady Chamberkey as LSOS.This application was already considered by RTA on 09/07/2013 and decided to seek concurrence from sister RTAs.After the expiry of regular permit this stage carriage is operating on the strength of temporary permit which was issued as per government orders and interim directions of Honorable High Court. Later, on 24/11/201 the permit holder of this stage carriage has also applied for renewal of permit for further 5 years. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.9

Heard .The learned counsel represented for the applicant. This is an application filed for renewal of regular permit in respect of the S/C KL-7-CG-6350 for the period from 11/12/2012 to 10/12/2017 and further 5years on the route Ernakulam -Kumily(via)M.G.Road, Palarivattom ,Kakkanad,Pukkattupady ,Perumbavoor,Kothamangalam,Neendapara,Idukki,Kattappana and Puttady with an additional cut trip from Ernakulam t o Perumbavoor-via, Palarivattom,Kakkanad ,Navodaya,Kangarapady,Pukkattupady Chamberkey as LSOS.This application was already considered by RTA on 09/07/2013 and decided to seek concurrence from sister RTAs .After the expiry of regular permit this stage carriage is operating on the strength of temporary permit which was issued as per government orders and interim directions of Honorable High Court. Later, on 24/11/201 the permit holder of this stage carriage has also applied for renewal of permit for further 5 years. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.10

Heard .The learned counsel represented for the applicant. This is an application filed for renewal of regular permit in respect of the S/C KL-7-CG-8604 for the period from **12/09/2013 to 11/09/2018 and 12/09/2018 to 11/09/2023** on the route Compayar-Ernakulam(via)Nedumkandam,Erattaya,Thankamony Cheruthony,Neendapara ,Kothamangalam,Perumpavure NGO Quarters,Palarivattam ,Kaloore, and Return Via Erattayar ,Kattappana as LSOS.The renewal application for the period from **12/09/2013 to 11/09/2018** was already considered by RTA on 26/08/2014 and adjourned since total route length is 174km .After the expiry of regular permit this stage carriage is operating on the strength of temporary permit which was issued as per government orders and interim directions of Honorable High Court. Later, on 29/08/2018 the permit holder of this stage carriage has also applied for renewal of permit for the period from 12/09/2018 to 11/09/2023.. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.11

Heard .The learned counsel represented for the applicant. This is an application filed for renewal of regular permit in respect of the S/C KL-6-J-1983 for the period from 16/10/2016 to 15/10/2021 on the route Kumily- Ernakulam. Kattappana , Cheruthony, Neendapara, Kothamanglam, Perumpavure, NGO Quarters , Palarivattam, Kaloore, as LSOS . In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme, 8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.12

Heard .The learned counsel represented for the applicant. This is an application filed for renewal of regular permit in respect of the S/C KL-6-J-2402 for the period from 20/05/2011 to 19/05/2016 and 20/05/2016 to 19/05/2021 on the route Ernakulam –Thekkady (via)Kaloor,Palarivatam,NGO Quarters ,Perumbavoor,Kothamangalam,Neendapara,Idukki,Kattappana and Kumaly as LSOS .The regular permit was valid up to 19/05/2011 and its renewal application was rejected by RTA Idukki on 29/05/2012 since route length is above 140km. Against this the permit holder has approached Honorable STAT and filed MVAA 195/2012 and STAT validated this regular permit U/S 214(2) by its order till the disposal of this MVAA. Later Honorable STAT in its judgment in MVAA 195/2012 set aside the rejection order of RTA Idukki on 19/05/2011 and remanded back to RTA for fresh consideration of renewal application. On 22/02/2018 the permit holder applied for renewal of regular permit for the period from 20/05/2016 to 19/05/2021 on the strength of the above judgment and also applied for Condonation of delay for filing renewal application. .. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Delay in submitting the application for renewal of stage carriage permit is condoned. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.13

Heard .The learned counsel represented for the applicant.

1&2.This is an application filed for renewal of regular permit in respect of the S/C KL-17-L-6263 for the period from 08/11/2010 to 07/11/2015 and 08/11/2015 to 07/11/2020 on the route Koottar-Ernakulan South Via Chellarcoil,Kumily, Vaniperiyar ,Mundakayam,Kanjirapally,Erattupetta,Thodupuzha,Muvattupuzha ,Nellad,Mangalathupady,Pattimattam,Kizhakkambalam,Veegaland,Navodaya Junction,Kakkanad,NGOQrs,Palarivattam and Kaloor as L.S.O S

.The regular permit was valid up to 07/11/2010 and its renewal application was adjourned by RTA Idukki on 08/01/2014. After the expiry of regular permit this stage carriage is operating on the strength of temporary permit which was issued as per government orders and interim directions of Honorable High Court. Later, on 16/11/2015 the permit holder of this stage carriage has also applied for renewal of permit for the period from 08/11/2015 to 07/11/2020 and also applied for Condonation of delay for filing renewal application. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Delay in submitting the application for renewal of stage carriage permit is condoned. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

3. Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-17-L-6263 operating on the route Koottar-Ernakulan South from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No.14

Heard .The learned counsel represented for the applicant. This is an application filed for renewal of regular permit in respect of the S/C KL-37-A8285for the period from 06-03-2016 to 05-03on the route Kalkoonthal- Kottayam via Nedumkandam,Kumily,Peerumedu and Mundakayam as LSOS. .This application was already considered by RTA on 17/12/2015 and decided to give a chance to the applicant for submitting a variation application for change of class as LSOS from FP Service and adjourned. On 22/02/2016 the permit holder submitted a variation application as directed by the RTA on 17/12/2015. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.15

Heard. The learned counsel represented for the applicant . This is an application filed for the renewal of regular permit of S/C KL 07 BU 2399 on the route Ernakulam-Devikulam Via Edappally, HMT, NAD, Cochin Bank, Aluva, S.Vazhakkulam, Permbavoor, Kothamangalam, Adimaly, Kallar. Munnar as LSOS for a period of 5 Years from 11/05/2016.The regular permit of S/C KL 07 BU 2399 was valid upto-10/05/2016 as FP.on 06/05/2016 the permit holder applied for variation of permit as LSOS and for a temporary permit as per G.O(ms) 45/2015/Trans dated 20/08/2015 and at present the temporary permit is valid upto-10/01/2019 as per the interim order of Hon.Highcourt of Kerala in which Hon.Court directing Sec.RTA Idukki that status quo with regards to the reissue of Temporary Permit application should be maintained.The RTA Idukki held on 04/10/2018 considered the above renewal application and adjourned the same with variation of regular permit application of S/C KL 07 BU 2399 directing to seek detailed route enquiry report from the field officers regarding the variation application. Now the Permit holder submits that he requires the renewal of regular permit application only and ready to waive the variation of permit application submitted by him. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.16

Heard. The learned counsel represented for the applicant . A)This is an application filed for the reconsideration of renewal of regular permit in respect of the S/C KL 34 F 2288 on the route Thekkady-Ernakulam Via Kuttikkanam, Mundakkayam, Kanjirapilly, Kalaketyy, Thidanadu, Erattupetta, Bharanaganam, Pala, Chakkanpuzha, Ramapuram, Amanakara, Koothattukulam, Piravom, Arakkuzha, Mulanthuruthy, Puthiyakavu, Thripunithura as LSOS for a period of 5 years from 25/06/2012.This application for renewal of regular permit was considered by RTA Idukki on 08/01/2014 and rejected the same as sister RTAs refused the concurrence. Later in the light of Judgement of Hon.STAT EKM in MVARP No.458/2012 and 459/2012, neighbouring RTAs granted concurrence for renewal of regular permit .On 11/09/2015, the permit holder applied for variation of class of service as LSOS as per G.O(ms)45/2015/Trans dated 20/08/2015.At present this stage carriage conducts service on the strength of Temporary Permit valid up to 12/04/2019 issued as per the interim order of Hon.Highcourt of Kerala in WP(C) No.18699/2018(J) dated 08/06/2018 directing to issue Temporary permit untrammled by G.O(P)06/2017/Tran dated 15/03/2017 and G.O(P) No.8/2017/Tran dated 23/03/2017.the permit holder has also filed for the reconsideration and applied for renewal of regular permit for a period of 5 years from 25/06/2017 to 24/06/2022. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.17

Heard. The learned counsel represented for the applicant . This is an application filed for the renewal of regular permit of S/C KL 63 D 3911 on the route Kumily- Ernakulam Via Kattappana, Cheruthoni, Neendapara, Kothamangalam, Perumbavoor, NGO Quarters, Palarivattom, Kaloor as LSOS for a period of 5 Years from 27/06/2015. The regular permit of S/C KL 63 D 3911 was valid upto- 26/06/2015 as Super Fast Service On 24/11/2015 the permit holder applied for variation of permit as LSOS and for a temporary permit as per G.O(ms) 45/2015/Trans dated 20/08/2015 and temporary permit is allowed as LSOS. As per the interim order of Hon.Highcourt of Kerala in WP(c) No.18062/2017(g) dated 31/05/2017 in which Hon.Court directing Sec.RTA Idukki that status quo with regards to the re-issue of Temporary Permit application should be maintained untrammled by G.O(P) No.6/2017/Tran dated 15/03/2017 and the same was issued. The permit holder has submitted a request for re-consider the renewal application. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.18

Heard. The learned counsel represented for the applicant . This is an application filed for the reconsideration of renewal of regular permit in respect of the S/C KL 63 D 4055 on the route Kumily-Chottanikkara Via Kattapana, Cheruthoni, Neendapara, Kothamangalam, Perumbavoor, NGO Quarters, Palarivattom, Kaloor and Ernakulam as LSOS for 5 Years from 29/11/2010 to 28/11/2015. This application for renewal of regular permit was considered by RTA Ernakulam and rejected the same . Later in the light of Judgement of Hon. STAT EKM in MP NO.1217/2013 of MVAA 469/2013, this permit is valid until the disposal of the appeal. From 13/05/2015 the permit file was transferred from Sec.RTA Ernakulam to Sec.RTA Idukki as the major route portion lies under the jurisdiction of RTA Idukki. The application of permit holder for issue of Temporary permit was considered from 07/09/2017 onwards in the light of interim order of Hon.Highcourt of Kerala in WP(C) no 18062/2017(G) dated 31/05/2017, directing to consider the application for reissue of Temporary Permit untrammelled by G.O(P) No.6/2017/Tran dated 15/03/2017 and the same was issued by secretary RTA Idukki. The permit holder has submitted a request for reconsider the above said renewal application . The permit holder has also filed for the renewal of regular permit for a period of 5 years from 29/11/2015 to 28/11/2020. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.19

Heard. The learned counsel represented for the applicant . This is an application filed for the reconsideration of renewal of regular permit in respect of the S/C KL 63 D 3541 on the route Kumily-Ernakulam Via Kattapana, Cheruthoni, Neendapara, Kothamangalam, Perumbavoor, NGO Quarters, Palarivattom, Kaloor as LSOS for 5 Years from 12/09/2013 to 11/09/2018. This application for renewal of regular permit was considered by RTA Idukki dtd 08/01/2014 and concurrence sought from RTA Muvattupuzha. On 06/08/2017 onwards the S/C KL 63 D 3541 conduct service on the route Kumily-Ernakulam on the strength of Temporary Permit issued in the light of the interim order of Hon. High court of Kerala in WP(C) NO.18062/2017(G) dated 31/05/2017 directing that Sec. RTA Idukki should consider the application for reissue of Temporary Permit untrammelled by G.O(p) No.6/2017/Tran dated 15/03/2017 and at present the Temporary Permit issued is valid upto-17/04/2019. The permit holder has submitted a request for re-consider the above said renewal application. The permit holder has also filed for the renewal of regular permit in respect of the S/C KL 63 D 3541 for a period of 5 years from 12/09/2018 to 11/09/2023. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.20

Heard. The learned counsel represented for the applicant . This is an application filed for the reconsideration of renewal of regular permit in respect of the S/C KL 44 E 5421 on the route Bodimettu-Ernakulam South Via Pooppara, RajakumaryNorth,Chelachuvadu,,Kalathrakuzhy,Kallarkutty,Adimaly,Kothamangalam,Perumbavoor,Kakka-nadu and Palarivattom return Via Adimaly, Kalathrakuzhy, Chelachuvadu, Rajakkadu, Rajakumary Kulaparachal as LSOS wef 24/07/2011 to 23/07/2016. This application for renewal of regular permit was considered by RTA Idukki dtd 19/05/2011 and concurrence sought from RTA Muvattupuzha and Ernakulam.On 18/07/2017 onwards the S/C KL 44 E 5421 conduct service on the route Bodimettu-Ernakulam South on the strength of Temporary Permit issued in the light of the interim order of Hon.High court of Kerala in WP(C) NO.22834/2017(D) directing that Sec.RTA Idukki should consider the application for reissue of Temporary Permit untrammled by G.O(p) No.6/2017/Tran dated 15/03/2017 and the at present Temporary Permit issued is valid up to 25/01/2019. This is an application filed for reconsidering the renewal of regular permit in respect of the S/C KL 44 E 5421 on the route Bodimettu-Ernakulam South Via Pooppara, RajakumaryNorth,Chelachuvadu,,Kalathrakuzhy ,Kallarkutty,Adimaly,Kothamangalam,Perumbavoor,Kakkanadu and Palarivattom return Via Adimaly, Kalathrakuzhy, Chelachuvadu, Rajakkadu, Rajakumary Kulaparachal as LSOS for a period of 5 years from 24/07/2016 to 23/07/2021.RTA Idukki dated 20/06/2016 considered the same and directed to obtain detailed route enquiry report from RTO Muvattupuzha and Ernakulam and adjourned the same.At present this stage carriage conduct service on the route Bodimettu-Ernakulam South as LSOS on the strength of Temporary Permit valid upto-25/01/2019 issued in the light of the interim order of Hon.Highcourt of Kerala in WP(C)No.22834/2017(D). The permit holder has submitted a request for re-consider the above said renewal applications. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.21

Heard. The learned counsel represented for the applicant This is an application filed for the renewal of regular permit of S/C KL 44 E 4923 on the route Aluva-Devikulam Via South Vazhakkulam, Perumbavoor, Kothamangalam, Neriya-mangalam, Adimaly and Munnar as LSOS for a period of 5 Years from 21/05/2016. The regular permit of S/C KL 44 E 4923 was valid upto-20/05/2016 as FP. On 20/05/2016 the permit holder applied for variation of permit as LSOS and for a temporary permit as per G.O(ms) 45/2015/Trans dated 20/08/2015 and at present the temporary permit is valid upto-13/04/2019 as LSOS. As per the interim order of Hon.Highcourt of Kerala in WP(c) No.22834/2017(d) dated 11/07/2017 in which Hon.Court directing Sec.RTA Idukki that status quo with regards to the reissue of Temporary Permit application should be maintained untrammelled by G.O(P) No.6/2017/Tran dated 15/03/2017. Secretary RTA issued the same as directed by Hon.Highcourt of Kerala. The permit holder has submitted a request for re-consider the above said renewal application .NOC from the financier is not produced. Hence **adjourned**

Item No.22

Heard. The learned counsel represented for the applicant . This is an application filed for the renewal of regular permit of S/C KL 44 A 8699 on the route Aluva-Kanthalloor Via South Vazhakkulam, Perumbavoor, Kothamangalam, Adimaly, Anachal, Munnar and Marayoor as LSOS for 5 Years from 22/09/2016 to 21/09/2021. The regular permit of S/C KL 44 A 8699 was valid upto-21/09/2016 as FP. On 22/09/2016 the permit holder applied for variation of permit as LSOS and for a temporary permit as per G.O(ms) 45/2015/Trans dated 20/08/2015 and at present the temporary permit issued to the S/C KL 44 A 8699 is valid upto-21/01/2019 in the light of the interim order of Hon.Highcourt of Kerala in WP(c) No.16452/2017(F) dated 16/05/2017 in which Hon.Court directing Sec.RTA Idukki that status quo with regards to the reissue of Temporary Permit application should be maintained untrammelled by G.O(P) No.6/2017/Tran dated 15/03/2017. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.23

Heard. The learned counsel represented for the applicant . This is an application filed for the reconsideration of renewal of regular permit in respect of the KL 44 B 5380 on the route Kanthalloor-Aluva Via Marayoor, Munnar, Kallar, Adimaly, Neriya Mangalam, Kothamangalam, Perumbavoor and South Vazhakkulam as LSOS for 5 Years from 25/10/2011 to 24/10/2016. This application for renewal of regular permit was considered by RTA Idukki dtd 22/08/2012 and rejected the same . Thereafter this permit was validated by the Hon. STAT in MP No.1095/2012 in MVAA No.339/2012 u/s 214(2) of MV Act. On 25/10/2016 onwards, the S/C KL 44 B 5380 granted with variation of class as LSOS and Temporary Permit for a period of 4 months as applied, as per G.O(ms)45/2015/Tran DATED 20/08/2015. At present this stage carriage conduct service on the route Kanthalloor-Aluva on the strength of Temporary Permit issued in the light of the interim order of Hon. High court of Kerala in WP(C) NO.16452/2017(G) dated 16/05/2017 directing that Sec. RTA Idukki should consider the application for reissue of Temporary Permit untrammelled by G.O(p) No.6/2017/Tran dated 15/03/2017 and at present the Temporary Permit issued is valid upto-24/02/2019. The permit holder has submitted request for re-consider the above said renewal application. He has also produced application for renewal of permit further five years. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.24

Heard. The learned counsel represented for the applicant . This is an application filed for the reconsideration of renewal of regular permit in respect of the KL 37 C 6264 on the route Kanthalloor-Aluva Via Marayoor, Munnar, Anachal, Adimaly, Neriya mangalam, Kothamangalam, Perumbavoor and South Vazhakkulam as LSOS for 5 Years from 19/01/2010 to 18/01/2015. This application for renewal of regular permit was considered by RTA Idukki dtd 29/05/2012 and rejected the same. Thereafter this permit was validated by the Hon.STAT in MP No.800/12 in MVAA No.257/2012 u/s 214(2) of MV Act and continued to operational at present also. He has also filed an application for the renewal of regular permit in respect of the S/C KL 37 C 6264 on the route Kanthalloor-Aluva Via Marayoor, Munnar, Anachal, Adimaly, Neriya mangalam, Kothamangalam, Perumbavoor and South Vazhakkulam as LSOS or a period of 5 years from 19/01/2015 to 18/01/2020. RTA Idukki dated 29/01/2015 considered this application and sought concurrence from RTA Muvattupuzha. The permit holder has submitted request for re-consider the above said renewal application. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.25

Heard. The learned counsel represented for the applicant . This is an application filed for renewal of regular permit in respect of S/C KL 33 E 6330 operating on the route on the route Balanpillacity- Kottayam medical college (Via) Chettukzhy, Manthippara, Kochara, Puttady, Kumily, Mundakayam, Ponkunnam, Kottayam, Gandhinagar as LSOS. RTA Idukki on 14/02/2012 considered the matter and decided to seek concurrence from RTA Kottayam. RTA Kottayam rejected the concurrence as per clause 3 of draft notification No. 5631/B2/20069/Trans dtd 02/05/2012.

This renewal of permit application was adjourned by RTA, Idukki vide Order No. C2/44468/2011/ID dated 21/03/2013. Now this S/C is operating on the strength of temporary permit as per the judgment of Honorable High Court of Kerala against the GO(p) No. 08/2017, which is valid up to 05/01/2019, since the route length is 158 km. There is no changes in the existing timings. Also filed for reconsider the renewal of regular permit in respect of this stage carriage the S/C KL 37 C 6264 or a period of 5 years from 19/01/2015 to 18/01/2020. RTA Idukki dated 29/01/2015 considered this application and sought concurrence from RTA Kottayam. There is no need for any concurrence from sister RTAs for renewal of permit In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.26

Heard. The learned counsel represented for the applicant. This is an application for renewal of regular permit in respect of the S/C KL-33-E-5760 on the route Nedumkandam - Kottayam (Via) Thookupalam Kochara, Puttady, Kumily, Mundakayam, Ponkunnam, Kottayam, Gandhinagar as LSOS. The application for renewal of regular permit was rejected by RTA on 21/03/2013 vide tem No.42 since the route length is above 140kms. Honorable STAT in MP No.577/13 in MVAA 186/13 has directed to re-issue temporary permit until final orders are passed in this MVAA. So Temporary permit u/s 87(1)d was being issued by Secretary, RTA. The Govt. has amended vide GO(P) 6/17 rule 2(oa) of KMV rule and as per the amended rule the maximum route length is 140 kms. So the permit holder has filed WP(C) and submitted interim order dtd.14/07/2017 of Honorable High Court directing to issue Temporary Permit untrammled by GO(P) 6/17 and 8/17. Hence Secretary RTA has re-issued the Temporary Permit for the period up to 13/03/2019. There is no changes in the existing timings. Also filed for reconsider the renewal of regular permit in respect of this stage carriage the S/C KL-33-E-5760 for a period of 5 years. from 19/01/2015 to 18/01/2020.

RTA Idukki dated 29/01/2015 considered this application and sought concurrence from RTA Kottayam. There is no need for any concurrence from sister RTAs for renewal of permit In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.

Item No.27

Heard. The learned counsel represented for the applicant . This is an application filed for renewal of regular permit in respect of S/C KL-33-C-9769 on the route Nedumkandam - Changanacherry (Via) Balagram, Kattappana, Elappara, Kuttikkanam, Mundakkayam, Ponkunnam, 14th Mile, Karukachal and Mammoodu as L.S.O.S.

This application was already considered by RTA on 29/01/2015 vide tem No.18 and adjourned for want of report from secretary RTA Kottayam, since the route length is above 140km..This stage carriage is now operating on the strength of a temporary permit which valid up to 24/01/2019. This temporary permit was issued as per the interim order of Honorable High Court against GO(P)(6) and GO(P)(8) The permit holder has submitted a request for re-consider the above said renewal applications on the strength of the judgment of Honorable High Court of Kerala. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to the clearance of Government dues and NOC from the financier if applicable.

Item No.28

Heard. The learned counsel represented for the applicant . This is an application filed for renewal of regular permit in respect of S/C KL 68 A 2575 operating Kottayam – Kattappana (via) Ammenchery, Karithas, Ettumanoor, Kanakari. Vembly, Kurianadu, Uzhavoor, Ramapuram, Kurinji, Thodupuzha, Moolamatom, and Idukki. Return (Via) Erattayar, Thankamany, Pandippara, Idukki, Moolamatom, Thodupuzha, Ramapuram, Uzhavoor and Ettumanoor as LSOS. This renewal of permit application was adjourned by RTA, Idukki. Now this S/C is operating on the strength of temporary permit as per the judgment of Honorable High Court of Kerala against the GO(p) No. 08/2017, which is valid up to 09/04/2019, since the route length is 158 km. The permit holder has also filed for application for renewal of regular permit for further 5 years .The permit holder has submitted a request for re-consider the above said renewal applications on the strength of the judgment of Honorable High Court of Kerala. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) There is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to the clearance of Government dues and NOC from the financier if applicable.

Item No.29

Heard. The learned counsel represented for the applicant . This is an application filed for renewal of regular permit in respect of S/C KL 33 K 6700 operating on the route KayamkulamNedumkandam(via)Changanassery,Karukachal,Ponkunnam,Mundakkayam, Elappara,Kattappana And Balagramas L S O S. This renewal of permit application was granted by RTA conducted on 26/06/2016 subject to the finalization of draft notificationNo.536/B2/2016/Tran dtd 19/02/2016. Now this S/C is operating on the strength of a temporary permit as per the judgment of Honorable High Court of Kerala against the GO(p) No. 08/2017, which is valid upto 06/04/2019. The permit holder has also filed for application for renewal of regular permit for further 5 years .The permit holder has submitted a request for re-consider the above said renewal applications on the strength of the judgment of Honorable High Court of Kerala. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) There is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to the clearance of Government dues and NOC from the financier if applicable.

Item No.30

Heard. The learned counsel represented for the applicant . This is an application filed for renewal of regular permit in respect of S/C KL 33 K 6964 operating on the route Changanacherry - Cumbummettu (via) Ponkunnam, Mundakkyam, Kumily, and Kochera as LSOS .This renewal of permit application was already considered by RTA and Idukki adjourned .Now this S/C is operating on the strength of a temporary permit as per the judgment of Honorable High Court of Kerala against the GO(p) No. 08/2017, which is valid up to 06/01/2019, since the route length is above 140 km. There is no changes in the existing timings. The permit holder has submitted a request for re-consider the above said renewal applications on the strength of the judgment of Honorable High Court of Kerala. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) , There is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to the clearance of Government dues and NOC from the financier if applicable.

Item No 31

Heard. The learned counsel represented for the applicant . This is an application filed for renewal of regular permit in respect of S/C KL 34 E 951 operating on the route Balanpillacity - Changanacherry (Via) Kochara, Kumily, Mundakkayam, Ponkunnam, 14th Mile and Karukachal as LSOS. This renewal of permit application was adjourned by RTA, Idukki conducted on 29/01/2015, since the route length is above 140 km. Now this S/C is operating on the strength of temporary permit as per the judgment of Honorable High Court of Kerala against the GO(p) No. 08/2017, which is valid up to 18/02/2019, since the route length is 150 km. There is no changes in the existing timings.

The permit holder has also filed for application for renewal of regular permit for further 5 years . The permit holder has submitted a request for re-consider the above said renewal applications on the strength of the judgment of Honorable High Court of Kerala. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme, 8/2017 dated 23/03/2017) There is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to the clearance of Government dues and NOC from the financier if applicable

Item No 32

Heard. The learned counsel represented for the applicant . This is an application filed for renewal of regular permit in respect of S/C KL 33 G 9176 operating on the route Pachady-AmbikaMarket Via Nedumkandom,Thookupalam,Kattappana,Elappara ,Mundakayam,Ponkunnampampady, Kottayam,Illickal,Kumarakam And Kaipuzhamuttu As L S O S..This renewal of permit application was adjourned by RTA, Idukki conducted on 29/01/2015, since the route length is above 140 km. Now this S/C is operating on the strength of temporary permit as per the judgment of Honorable High Court of Kerala against the GO(p) No. 08/2017, which is valid up to 02/02/2019, since the route length is 168 km. There is no changes in the existing timings. The permit holder has also filed for application for renewal of regular permit for further 5 years .The permit holder has submitted a request for re-consider the above said renewal applications on the strength of the judgment of Honorable High Court of Kerala. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) There is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to the clearance of Government dues and NOC from the financier if applicable

Item No 33

Heard. The learned counsel represented for the applicant This is an application filed for renewal of regular permit in respect of the S/C KL-33-G-7027 on the route Koottar- Idinjillam Via,Chellarcovil, 8th Mile, Kumily, Mundakayam, Ponkunnam, Karukachal, and Changanachery as LSOS. ts renewal application was rejected by RTA Idukki on 04/05/2017 since the existing route length is 155 km. Now this S/C is operating on the strength of temporary permit as per the judgment of Honorable High Court of Kerala against the GO(p) No.08/2017, which is valid up to 21/04/2019. In the light of the several judgment of Honorable High Court of Kerala(quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017) There is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006 . Hence Renewal of permit **granted** subject to the clearance of Government dues and NOC from the financier if applicable

Item No 34.

Heard. The learned counsel represented for the applicant. This is an application filed for renewal of regular permit in respect of S/C KL-33-5004 operating on the route Changanacherry-Balanpillacity (Via) Karukachal, Ponkunnam, Mundakkayam, Kattappana, Balagram and Nedumkandam and return (Via) Nedumkandam, Vattappara, Kattappana, Mundakkayam, Ponkunnam, Chamampathal, Pathanadu and Karukachal. The regular permit was expired on 26/08/2017. The Permit Holder applied for renewal of regular permit on 22-09-2017. The S/C is now operating on the strength of temporary permit U/S 87(1)d. The application for renewal of regular permit is delayed. The renewal application was considered by RTA on 13/10/2017 and adjourned since the present route length is 180.3 km is not in compliance to KMV Rule 2(ob). Honorable High Court of Kerala quashed clause 4 of the modified scheme 8/2017 dated 25/03/2017. Hence there is no legal impediment to renew this regular permit since it is issued prior to 09-05-2006. Hence **granted**.

(B) An objection has been filed by Sri. Sony Kurian, Pullamkalam House, Mammooode P O, Changanachery before the Honorable Chairman RTA Idukki against the issuance of temporary permit in respect of the S/C KL-33-5004. The Honorable Chairman has ordered on 31/10/2018 to place the matter before next RTA. This authority feels the objection is not sustainable. Hence **dismissed**.

Item No 35.

Heard . The learned counsel represented for the applicant This is an application for conversion of class of regular permit in respect of S/C KL 06 E 2808 on the route Balanpillacity – Kottayam (via) Thoorkupalam, Balagram, Kattappana, Elappara, Ponkunnam, Kodungoor, 14th mile and Pampady as Ordinary Service as LSOS. This application is rejected by RTA on 17/12/2015 vide item No.68, since conversion may cause the introduction of a new LSOS service in the notified route. Then the applicant approached STAT and they passed the order to reconsider the application. Now the applicant has again applied to reconsider the application for conversion of the service as LSOS from OS on the strength of Judgment of Honorable STAT (M.V.A.R.P NO. 45/2016). This authority verified the application and connected documents in detail based on the GO (P) 08/2017 and several judgments of Honorable High Court of Kerala connected to quashing the clause (4) of the modified scheme,8/2017 dated 25/03/2017 .The field officer reported that the applied variation is beneficial for the long route passengers. All fare stages in the existing route are recommended stops as per GO No.06/2017.

We observe and ordered the following .

This route lies on the notified route Trivadrum-Thekkady and Ernakulam-Thekkady Scheme. Conversion may cause the introduction of a new LSOS service in the notified route. If this conversion is allowed it will be upset the Scheme and time clash between other operators including KSRTC. Hence **rejected**.

Item No 36

Heard. The learned counsel represented for the applicant . This is an application for variation of intra district regular permit in respect of the stage in respect of S/C KL -38-F-6465 on the route Thodupuzha-Naliyani Via Poomala and Kalayanthany as OS variation as by curtailing the trip at 9.10 PM from Thodupuzha to Poomala and also curtailing the trip at 10.05 from Poomala to Thodupuzha. This authority verified the application and connected documents in detail based on the GO (P) 08/2017 and several judgments of Honorable High Court of Kerala connected to quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017 . The proposed variation of permit application is genuine. The existing route is not objectionably overlapping any notified scheme and no additional overlapping after variation. The field officer reported that the proposed variation will not adversely affect to the traveling public and students since there is no passengers at that time.

We observe the following

There is no need for any concurrence . The variation application is within the limit of U/S 80(3) of MV Act 1988 and is issued prior to 09/05/2006.

Thus, we are of the opinion that there is no legal impediment to grant variation of permit as sought by the permit holder. Hence variation **granted** to the existing timings as per the provisions of section 80(3) of MV Act 1988 and also subject to the clearance of Government dues and production of NOC from the financier if applicable, within 30 days from the communication of this decision , failing which the grant of the variation of permit will be treated as revoked without further notice.

Item No 37.

Heard. The learned counsel represented for the applicant . This is an application for variation of intra district regular permit in respect of the stage carriage KL-6-D-7744 Valacode- Kumily touching Thopramkudy via Upputhara, Kattappana, Vallakkadavu, Anavilasam,Erattayar and Chempakappara as ordinary service as Valacode-Kumily touching Thopramkudy via Upputhara, Kattappana, Vallakkadavu, Anavilasam,Erattayar and Chempakappara as ordinary service by extending the route from Kattappana to Nedumkandam Via Thookkupalam having a distance of 22.5Km and curtailing a trip from Kattappana to Upputhura at 2.35pm. . This authority verified the application and connected documents in detail based on the GO (P) 08/2017 and several judgments of Honorable High Court of Kerala connected to quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017 . The proposed variation of permit application is genuine. The existing route is not objectionably overlapping any notified scheme and no additional overlapping after variation. The field officer reported that the proposed variation will not adversely affect to the traveling public and students,since there is no passengers at that time.

We observe the following

There is no need for any concurrence . The variation application is within the limit of U/S 80(3) of MV Act 1988 and is issued prior to 09/05/2006.

Thus, we are of the opinion that there is no legal impediment to grant variation of permit as sought by the permit holder. Hence variation **granted** to settlement of timings as per the provisions of section 80(3) of MV Act 1988 and also subject to the clearance of Government dues and production of NOC from the financier if applicable, within 30 days from the communication of this decision , failing which the grant of the variation of permit will be treated as revoked without further notice.

Item No 38.

Heard. The learned counsel represented for the applicant . This is an application for variation of intra district regular permit in respect of the stage carriage KL 44 D 99 on the route Vannappuram-Erattupetta (via) Kaliyar, West Kodikulam, Thodupuzha, Muttam and return via Vandamattom, Kodikulam and Kaliyar by deviating the last trip from Thodupuzha to Vannappuram via Karimannoor and Thommankuthu instead of Vandamattom, Kodikulam and Kaliyar. This authority verified the application and connected documents in detail based on the GO (P) 08/2017 and several judgments of Honorable High Court of Kerala connected to quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017 . The proposed variation of permit application is genuine. The variation as applied route is not objectionably overlapping any notified scheme and no additional overlapping after variation. The field officer reported that the proposed variation will not adversely affect to the traveling public and students since there is no passengers at that time.

We observe the following

There is no need for any concurrence . The variation application is within the limit of U/S 80(3) of MV Act 1988 and is issued prior to 09/05/2006.

Thus, we are of the opinion that there is no legal impediment to grant variation of permit as sought by the permit holder. Hence variation **granted** subject to the settlement of timings as per the provisions of section 80(3) of MV Act 1988 and also subject to the clearance of Government dues and production of NOC from the financier if applicable, within 30 days from the communication of this decision , failing which the grant of the variation of permit will be treated as revoked without further notice.

Item No 39

Heard. The learned counsel represented for the applicant . This is an application for variation of intra district regular permit in respect of the stage KL 44 E 3811 on the route Vannappuram-Thodupuzha (via) Thommankuthu, Karimannoor and Muthalakodam by deviating the last trip from Thodupuzha to Vannappuram via Vandamattom, Kodikulam and Kaliyar instead of Karimannoor and Thommankuthu This authority verified the application and connected documents in detail based on the GO (P) 08/2017 and several judgments of Honorable High Court of Kerala connected to quashing the clause (4) of the modified scheme,8/2017 dated 23/03/2017 . The proposed variation of permit application is genuine. The variation as applied route is not objectionably overlapping any notified scheme and no additional overlapping after variation. The field officer reported that the proposed variation will not adversely affect to the traveling public and students since there is no passengers at that time.

We observe the following

There is no need for any concurrence . The variation application is within the limit of U/S 80(3) of MV Act 1988 and is issued prior to 09/05/2006. Thus, we are of the opinion that there is no legal impediment to grant variation of permit as sought by the permit holder. Hence variation **granted subject** to the settlement of timings as per the provisions of section 80(3) of MV Act 1988 and also subject to the clearance of Government dues and production of NOC from the financier if applicable, within 30 days from the communication of this decision , failing which the grant of the variation of permit will be treated as revoked without further notice.

Item No 40

Heard. The learned counsel represented for the applicant . This is an application filed for 20 days extension temporary permit in respect of the S/C KL 33 J 4486 on the route Puthiyakavu – Kattappana (Via) Changanacherry, 14th mile, Ponkunnam, Mundakkayam and Elappara as LSOS. The applied extension temporary permit is to Puthiyakavu to Mavelikkara have an extension of 1.5km. Secretary RTA is considered the application and decided to obtain a detailed route enquire report from Joint Regional Transport Officer ,Mavelikkara. The report is obtained from the competitive authority it reveals the following.

1. At present Puthiyakavu– Mavelikkara is one terminus. Puthiyakavu Jn is a bottle neck and Parking the vehicle at Puthiyakavu Jn will cause traffic block.
2. All other buses are passing through Michel Jn and Private Bus stand Mavelikkara.
- 3.The trip starts from Kattappana which is at highrange area and this is the only service connecting Mavelikara to Kattappana, Cumbummetu area. Now the passengers have to get down at Puthiyakavu and to reach Mavelikara private bus stand for travelling to different places. If it pass through private bus stand it will be more convenient.
- 4.At present the departure time at 7.05am and arrival time is 5.55pm. In the proposed variation, time will change to 7.02 am and 5.58 pm respectively. So it will not make any clash in timing with other services in the entire region.
5. In the proposed variation, there is overlapping of 700 meters in Aleppey - /Thiruvalla (viv) Mannar route and Aleppey – Pathanamthitta route objectionably in notification No. 42/2009/Trandtd 14 July 2009.

As per the GO 8/2017,dated 25/03/2017. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicle Rules, 1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstance.

We observe and ordered the following

The state Transport Undertaking reserve the right to operate additional services or increase the number of trips on each route in the Annexure as per traffic demand .Hence the applied variation application is the clear violation of the clause 19 of GO(P)No.8/2017/Tran dated 23/03./2017. Hence the temporary permit for 20 days as applied by the applicant is **rejected** .

Item No 41

Heard. The learned counsel represented for the applicant . A) & (B)The S/C KL 05 AF 3301 was operating on the route Kuzhitholu – Kottayam (via) Amayar, Puliyanmala, Kattappana, Elappara, Mundakkayam, Ponkunnam 14th Mile and return (via) Ponkunnam, Mundakkayam, Kuttikkanam, Peermade, Kumily, 8th mile, Puttadi, Kochara, Manthippara and Chettukuzhy as Fast Passenger. Its renewal of permit application was considered by RTA on 08/01/2014 and decided to seek concurrence from RTA Kottayam. The R/O has applied for conversion of class of vehicle as LSOS. The regular permit valid upto 22/07/2013. The TP was issued which was valid up to 19/01/2015 as per Govt. Lr.10689/B1/Trans/14. The route length is 155km. Based on the common order produced by the Honourable High Court in IA 1311/2014 in WA No. 667/2014 dated 23/12/2014 a stop memo is issued to this S/C since KSRTC has intimated they look over this permit. On 30/06/2015 the vehicle has given permitless certificate without surrender the regular permit (keeping the permit under suspended animation) as per the judgement of Honourable High Court WP(C) No. 17949 of 2015 . No time limit to produce new vehicle was stipulated by Honourable High Court or Secretary, RTA. No vehicle is offered till 16/05/2018 in the place of KL 05 AF 3301.

On 30.12.2016 Smt. Rani George, W/O George Thomas, Kondodickal House, Thottackadu P O has intimated that the permit holder (Sri. George Thomas) of S/C KL 05 AF 3301, died on 28/11/2016 and also has applied to transfer the permit to the name of their son Sri. Thomas George. She also produced copy of death certificate and relationship certificate from village officer and intimated that the consent of other legal heirs will be produced on demand from this office. Sri.Thomas George applied for transfer of permit (by death) to his name.

On 10.02.2017 Sri. Thomas George has produced judgement of Honourable High Court in WP(C) No. 3506 of 2017 dated 02/02/2017. In this the Honourable High Court has directed RTA to consider the application for transfer of permit with relationship certificate from the village officer instead of legal heir ship certificate. The family members of the deceased permit holder are heard on 14/03/2017 and their consent is obtained for transfer of permit to the name of Sri. Thomas George. The genuineness of the application as required under KMV Rule 178 is ascertained. The application was place before RTA on 04/05/2017. This application for transfer of regular permit (by death) was rejected by RTA since no vehicle was offered in place of KL 05 AF 3301.

On 16/05/2018 Sri. Thomas George, the legal heir of the permit holder has applied for replacement of stage carriage, under lease agreement and renewal of permit from 23/07/2018 to 22/07/2023. In that circumstances the Secretary, RTA Idukki rejected the application for replacement of stage carriage filed by Thomas George , Kondodickal House, Thottakkade P O, since there is no valid permit.

Against the order of RTA on 04/05/2017 Sri. Thomas George, Kondodickal House, Thottackadu P O approached before Hon'ble STAT and Hon'ble STAT in its judgment in MVAA No. 168/2018 observes the above said order is not sustainable and is liable to set aside and directed to reconsider the application for transfer

of permit on merits taking into account of the fact that the application for renewal filed by the deceased operator which is still pending and pass orders in accordance with law.

Honorable STAT Observes The Following

1 The reason shown for the rejection of the application for transfer of regular permit is that there is no valid permit.

2. It is true the permit is till in the name of the appellant's father who expired on 28/11/2016.

3. During his life time he filed an application for renewal of permit which has not been disposed of so far.

4.. The renewal application in respect of the stage carriage was considered by RTA Idukki on 08/01/2014 and decided to seek concurrence for sister RTA.

4. Hence the appellant who is the legal heir has right to seek transfer of permit.

5. Without considering the application for renewal of permit on merits, the transfer of regular permit sought for by the appellant ought not to have been rejected for the reason that there is no valid permit. Therefore Honorable STAT is of the view that the impugned order is not sustained and is liable to set aside.

This authority observes and delivered as following

1.No time limit to produce new vehicle was stipulated by Honourable High Court or Secretary, RTA.

2.On 16/01/2015 a stop memo was issued to this stage carriage, since KSRTC had taken over this permit.

3.In that situation he cannot keep his vehicle idle without operation.

In these circumstances transfer of permit (death) and replacement of stage carriage in the name of legal heir of the deceased operator are **allowed**. Secretary RTA is directed to place the renewal application before the next meeting of this authority and issue four month temporary permit U/S 87(1) d.

Item No 42

Heard. The learned counsel represented for the applicant. The stage carriage KL 05 AJ 8447 was operating on the route Chemmannar- Kottayam VIA Udumbanchola, Nedumkandam, Kattappana, Elappara, Mundakayam And Ponkunnam As Fast Passenger. Its renewal of permit application was considered by RTA on 08/01/2014 and decided to seek concurrence from RTA Kottayam. The R/O has applied for conversion of class of vehicle as LSOS. The regular permit valid up to 22.06.2012. The T.P. was issued which was valid up to 15/01/2015 as per Govt.Lr.10689/B1/Tran/14. The route length is 155km. The vehicle has given permitless certificate without surrender the regular permit (keeping the permit under suspended animation) as per the judgment of Honorable High Court WP(C) No. 23488 of 2015 on 20/08/2015. No time limit to produce new vehicle was stipulated by Honorable High Court or Secretary, RTA. No vehicle is offered till 16/05/2018 in the place of KL 05 AJ 8447.

On 30.12.2016 Smt. Rani George, W/O George Thomas, Kondodickal, Thottacadu P.O. has intimated that the permit holder (Sri. George Thomas) of S/C –KL-05-AJ-8447, died on 28.11.2016 and also has applied to transfer the permit to the name of their son Sri. Thomas George. She also produced copy of death certificate and relationship certificate from village officer and intimated that the consent of others legal heirs will be produced on demand from this office. Sri.Thomas George applied for transfer of permit (by death) to his name.

On 10.02.2017 Sri.Thomas George has produced judgment of Honorable High Court in WP(C) No.3506 of 2017 dtd. 02/02/2017 In this the Honorable High Court has directed RTA to consider the application for transfer of permit with relationship certificate from the village officer instead of legal heir ship certificate. The family members of the deceased permit holder are heard on 14/03/2017 and their consent is obtained for transfer of permit to the name of Sri. Thomas Goerge. The genuineness of the application as required under KMV Rule 178 is ascertained. This application for transfer of regular permit (by death) was rejected by RTA on 04/05/2017 since no vehicle was offered in place of KL 05 AJ 8447.

On 16/05/2018 Sri. Thomas George, the legal heir of the permit holder has applied for replacement of stage carriage, under lease agreement. In that circumstances the Secretary, RTA Idukki rejected the application for replacement of stage carriage filed by Thomas George, Kondodickal House, Thottakkade P O since there is no valid permit.

Against the order of RTA on 04/05/2017 Sri. Thomas George, Kondodickal house, Thottackadu P O approached before Hon'ble STAT and Hon'ble STAT in its judgement in MVAA No. 214/2018 observes the above said order is not sustainable and is liable to set aside and directed to reconsider the application for transfer

of permit on merits taking into account of the fact that the application for renewal filed by the deceased operator which is still pending and pass orders in accordance with law.

Honorable STAT Observes The Following

1 The reason shown for the rejection of the application for transfer of regular permit is that there is no valid permit.

2. It is true the permit is till in the name of the appellant's father who expired on 28/11/2016.

3. During his life time he filed an application for renewal of permit which has not been disposed of so far.

4.. The renewal application in respect of the stage carriage was considered by RTA Idukki on 08/01/2014 and decided to seek concurrence for sister RTA.

4. Hence the appellant who is the legal heir has right to seek transfer of permit.

5. Without considering the application for renewal of permit on merits, the transfer of regular permit sought for by the appellant ought not to have been rejected for the reason that there is no valid permit. Therefore Honorable STAT is of the view that the impugned order is not sustained and is liable to set aside.

This authority observes and delivered as following

1.No time limit to produce new vehicle was stipulated by Honourable High Court or Secretary, RTA.

2.On 16/01/2015 a stop memo was issued to this stage carriage, since KSRTC had taken over this permit.

3.In that situation he cannot keep his vehicle idle without operation.

In these circumstances transfer of permit (death) and replacement of stage carriage in the name of legal heir of the deceased operator are **allowed**. Secretary RTA is directed to place the renewal application before the next meeting of this authority and issue four month temporary permit U/S 87(1) d.

Item No 43

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage 1.KL-6-D-7173 on the route Vazhavara –Kumaly RPV-26/11/2022.KL-6-H-3599 on the route Nedumkandam-Thodupuzha RPV-14/02/2021.KL-6-E-3731 on the route Pazhayarikandam-Nedumkandam RPV-19/11/2022.KL-6-G-6943 on the route Kalthotty-Chenkara RPV-15/07/2020 operating on the routeKottayam-Nedumkandam from the name of the deceased person to the name of the applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle

Item No 44

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-33-D-9029 operating on the route Kottamala-Valakode from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 45

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-33-K-4420 operating on the route Prakash-Changanacherry from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 46

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-33-C-9978 operating on the route Chempakappara-Changanacherry from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 47

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage on the route KL-34-D-2941 Kothamangalam-Adimaly from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 48

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-17-M-3148 operating on the routePoomala-Muvattupuzha from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle

Item No 49

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-6-E-1865operating on the route Vellakkayam-Thodupuzha from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 50

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-7 CE 4122 operating on the route Kumaly-Ernakulam from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 51

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-6-D-6674 operating on the route Perumkala-Thopramkudy from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 52

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-40-K-1704 operating on the route Vannappuram-Thodupuzha from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 53

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-6-J-1525 operating on the route Nedumkandam-Kottayam from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 54

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-6-H-227 operating on the route Adimaly-Kattappana from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 55

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-6-D-9387 operating on the route Kattappana-Adimaly from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 56

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-6-G-5805 operating on the route Cheruthony-Kumaly from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 57

Heard .The learned counsel represented the applicants. Transfer of permit(death) in respect of the stage carriage KL6-F-3675operating on the route Nedumkandam-Kottayam from the name of the deceased person to the name of applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 58

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-69-8494 operating on the route Vannappuram-Kattappana from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 59

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-6-H-860 from the name of the permit holder to the name of the Possessor is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 60

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriages KL-6-D-1701 from the name of the permit holder to the name of the Possessor is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 61

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL- 44-7997 on the route Adimaly-Kattappana from the name of 1st applicant to the name of 2nd applicant is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Item No 62

Ratified

Item No 63

Nil

Item No 64

Decision will be taken after the direction from the Honorable Chairman RTA Idukki.

Supplimentary Item No.01

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-37-C-3774 from the name of the permit holder to the name of the Possessor is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Supplimentary Item No.02

Heard .This is a complaint from the President, KVVES, Thankamany Unit in connection with the route curtailment of the stage carriage KL 06 G 4162.

The President, KVVES, Thankamany Unit has filed a complaint in connection with the route curtailment of the stage carriage KL 06 G 4162 from Thopramkudy to Kamakshy. The matter was enquired through the field officer of this office. He detected the said offence and prepare a check report against the stage carriage KL 06 G 4162. The permit holder of this stage carriage is directed to appear before the Secretary Regional Transport Authority Idukki for a personal hearing within 7 days on the receipt of the letter. But he did not appear before till date. The check report is compounded for Rs-10000/- . Secretary RTA is directed to watch the service of this stage carriage and if this offence will be repeated the matter will place before the RTA for the suspension of the regular permit without any intimation.

Supplimentary Item No.03

Heard .The learned counsel represented the applicants. Transfer of permit in respect of the stage carriage KL-38 C 8393 from the name of the permit holder to the name of the Possessor is **allowed** subject to the clearance of all government dues and production of NOC from the financier of the vehicle.

Supplimentary Item No.04

Heard. The learned counsel represented for the applicant . This is an application for renewal of inter district regular permit in respect of the stage carriage KL 35-G-2977 operating on the route Kodikuthy – Neeloor with halt at Mattathipara (Via) Karimkunnam as OS. There is no objectionable overlapping. There is no need for any concurrence from sister RTAs for renewal of permit. Hence Renewal of permit **granted** subject to clearance of Government dues and NOC from the financier if applicable.