

Decision of the Regional Transport Authority, Thrissur
Held on 22.07.2010 at 11.00 a.m

Item No.1: Heard. **Granted** regular permit to a mini Bus with seating capacity 28 in all subject to settlement of timings.

Item No. 2 : Heard. The representative of KSRTC objected the grant since objectionably overlap by 2 Km on the notified route Kottayam – Kozhikode. As per the clause 5© of the notification G O No. 42/Tran/2009 dated, 14.07.2009, the maximum permissible overlap is 5% of the route length. In this case the route length is 24.6 Km and the overlap 2 km exceeds the permissible limit and thus violation of the notified Scheme. The description of the vehicle is not furnished as required by Sec. 70(1) (b). Hence **rejected**.

Item No. 3 : Heard. **Granted**.

Item No. 4 : Heard. As per the KMV Rule 2(oa) ordinary service means a service which is operated on a route having a distance of not more than 140 Km. In this case, the route length is 182 Km and violation of the said rule. The N O C from the financier is not produced. Hence **adjourned** (1) to Produce N O C from the financier. (2) To modify the route in compliance to the rules.

Item No. 5 : Heard. **Granted** renewal of regular permit.

Item No.6 : Heard. **Granted** renewal of regular permit

Item No. 7 : 1. Heard. Delay Condoned.

2. Renewal of regular permit **granted.**

Item No.8 : Heard Renewal of regular permit **granted.**

Item No.9 : Heard. As per the KMV Rule 2(oa) ordinary service means a service which is operated on a route having a distance of not more than 140 Km. In this case, the route length exceeds 140 Km and violation of the said rule. Therefore **adjourned** with a direction to the applicant to modify the route according to the Rules.

Item No. 10 : Heard. As per KMV Rule 2(ea) Fast passenger service means a service which is operated by a fleet owner with limited stops on a route having a distance of not less than 70 Km and not more than 160 Km. In this case the route length exceeds 160 Km and violation of the above rule. Therefore **adjourned** with a direction to the applicant to modify the route in accordance with the rules.

Item No. 11 : Heard. The variation applied includes curtailment of 8 single trips to the ill served Varavattoor. The counsel for the objector seriously objected the curtailment . This authority find no change of circumstance for the variation as required by KMV Rule 145(6). The field officer reported that the curtailment of 8 single trips out of 10 will adversely affect existing traveling public. For the above reasons, **rejected.**

Item No. 12. Heard. Variation **Granted** subject to settlement of timings.

Item No.13 : (A) Perused the judgment of Hon'ble High Court in WP(C)

No:15220/2010

(B) Perused the judgment of Hon'ble STAT in M V A A No. 900/2007 of Hon'ble STAT, Ernakulam

(C) Heard. In compliance to the judgment. **Granted** variation of permit.

Item No. 14 : Heard. The variation applied includes curtailment of the sector

Pazhayannur – Elanad – Meppadam (22.5 Km) which is vehemently objected in the meeting. The field officer reported that the above curtailment will adversely affect the existing traveling public. This authority find no change of circumstance for the variation as required by KMV Rule 145 (6). Hence **rejected**.

Item No. 15 : Heard. The counsel for the bus owners association seriously objected the total shuffling of time schedule. Hence variation **granted** without changing the existing time schedule and subject to settlement of timings for the extension.

Item No. 16 : Heard.

1. **Seek concurrence** of the sister RTA , Ernakulam for variation.
2. **Granted** renewal of regular permit.

Item No. 17 : Heard. **Seek concurrence** of the sister RTA.

Item No. 18 : Heard. **Seek concurrence** of the sister RTA.

Item No. 19 : Heard. **Seek concurrence** of the sister RTA.

Item No. 20 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 21 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 22 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 23 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 24 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 25 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 26 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 27 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 28 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 29 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 30 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 31 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 32: Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 33: Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 34 : Heard. **Allowed** transfer of permit subject to clearance of Government dues and production of NOC from financier, if applicable.

Item No. 35 : Heard.(1) . Perused the judgment of Hon'ble High Court in WPC No. 31235/2009 dated 19.05.2010.

(2) Heard and reconsidered joint application in compliance to the judgment The counsel for the objector, Sri. A A Johar argued that the regular permit which is to be transferred is expired early on 21.05.2005 and in that vacancy regular permit is issued with the same time to his vehicle KL 8 Z 9171. As per the file the renewal application of the regular permit of the stage carriage KL 8 D 5545 is rejected by the RTA as per proceedings No.C2-764/5008 dated 02.04.2009. Sri. Ummer K H filed an appeal No. MVAA No. 254/09 and the Hon'ble STAT vide

order dated 10.08.2009 dismissed with cost. Instead of challenging that order of Hon'ble STAT, filed a fresh application on 16.04.2010 for the renewal of permit of Stage carriage KL 8 D 5545. The regular permit is expired on 21.05.2005 and the vehicle not in existence. Another permit is issued to Sri. K H Ummer in respect of the stage carriage KL 7 M 7398 valid from 30.07.2008 to 29.07.2013.

As the stage carriage KL 8 D 5545 is not in existence having tax arrear and permit is not live, the transfer of permit cannot be effected. The joint application was considered by the RTA, held on 25.09.2009 and deferred as requested by the counsel of the applicant, since the matter was under the consideration of Hon'ble High Court in WPC No. 27629/09. It is understood that the petitioner withdrawn that writ petition. Hence there was no inaction on the part of the RTA. As directed by the Hon'ble High Court, the 3rd respondent Sri. P V Viswanathan submitted an affidavit to the effect that his objections were without any basis. But he refused to remit the tax arrear in respect of the stage carriage KL 8 D 5545. The vehicle was sold twice violating permit conditions. This authority is convinced that the attempt to resurrect the expired permit is for trafficking of permit.

Therefore the application for transfer of permit **rejected**.

Item No. 36 : Heard. Transfer of permit **allowed** to the name of the successor, subject to clearance of dues to Government and N O C from financier if applicable.

Item No. 37 : Heard. Concurrence **granted** for renewal of permit without prejudice to the right of the primary authority to decide the class of service.

Item No. 38 : **Granted** renewal concurrence.

Item No. 39 : Heard. Concurrence **granted** for renewal of permit without prejudice to the right of the primary authority to decide the class of service.

Item No. 40 : Heard. Concurrence **granted** for renewal of permit without prejudice to the right of the primary authority to decide the class of service.

Item No. 41 : Seek concurrence from sister RTA.

Item No. 42 : Seek concurrence from sister RTA

Item No. 43 : Seek concurrence from sister RTA

Item No. 44 : Seek concurrence from sister RTA

Item No. 45 : Heard.

(1) In the light of the application for replacement of the vehicle further **action dropped.**

(2) **Seek concurrence** for renewal from sister RTA.

(3) Replacement of vehicle **granted.**

Item No. 46 : Heard. **Allowed** maximum time of 4 months U/R 159 of KMV Rule 1989.

Item No. 47 : Heard. **Allowed one month** more time to produce the current records from 05.07.2010.

Item No. 48 : Heard. The regular permit is granted by RTA early on 14.06.2006. The applicant failed to produce current records of the vehicle offered. On 25.05.2010 timings settled and dispatched the proceedings on 05.06.2010. The applicant failed to produce the current records within the stipulated time. Finally extension of time **granted** for one month more from 07.07.2010.

Item No. 49 : Heard. The complaint is filed against the order of this authority on 28.06.2007 allowing transfer of permit in respect of stage carriage KL 8 K 6000. The counsel for the permit holder Sri. Dharmanandan argued that this authority has no power to review the decision once taken. Also the petitioner has no locus standi to object the transfer of permit already effected. From the file it is found that similar complaint filed by Sri. Rajan, brother of the permit holder was considered by the RTA held on 07.08.2008 and rejected. The learned counsel pointed out that the suit in O S No. 571/08 in this regard is under trial before the Munsiff Court, Chavakkad. At this juncture this authority **refused to review** the earlier decision.

Item No. 50 : Heard. **Ratified.**

Item No. 51 : Heard. **Granted** regular permit as reserve stage carriage . The Secretary is directed to attach conditions as per rules.

Item No. 52 : Heard. **Granted** Temporary permit for 20 days. Directed to apply for regular permit before the appropriate authority.

Item No. 53 : Heard. The Superintendent of Police, Thrissur reported that the town is saturated with auto rickshaws and further city permit may not be issued. This authority decided to restrict the issue of auto rickshaw city permit on 11.05.2010. That order is under the challenge before Hon'ble STAT in MVAA No. 197/2010. Hence **adjourned** awaiting the decision of the appeal authority.

Item No. 54 : **A)** Perused the judgment of Hon'ble STAT in MVARP No. 44/2009 dated 18-09-2009

B) Heard. The filed officer reported that the route Chalakudy – Vellikulangara – Randukai is of route length 22.5 km and the stage carriages are collecting fare for 11 fare stages. The complainant alleged that the existing fare stages are not approved by the RTA and the stage carriage operators are collecting excess fare unauthorisedly. Hence this authority is inclined to reduce the number of fare stages without changing the existing fare stages. The following fare stages are **approved.**

0. Chalakudy Bus Stand

1. Right Star Club

2. K K Road

3. Mechira

4. Balan Peedika

5. Maramkode

6. Canal Palam

7. Vellikulangara

8. Block Kavala

9. Kormala Ashramam

10. Randukai

Item No. 55 : Heard. In the light of the report of the field officer it will not be safe to provide a bus stop as requested. Hence **rejected**.

Item No. 56 : Applicant absent. **Adjourned**. Secretary is directed to seek remarks of Police Authority.

Item No. 57 : Ratified.

Item No. 58 : With the permission of the Chair Person considered the request for **Bus stop** by Varandarappilly Grama Panchayath, which is the adjourned item of last RTA, **Granted**.

Item No. 59 : The next date of RTA **will be intimated later**.

*Smt. M Girija,
Chairman &
Member , RTA,(I.C)
Thrissur*

*Shri. M P Dinesh. I P S.,
Superintendent of Police, Thrissur
Member, RTA, Thrissur*

*Shri. P K Stephen,
Deputy Transport Commissioner
Central Zone-II(I. C)
Member, RTA, Thrissur*