

DECISION OF THE REGIONAL TRANSPORT AUTHORITY, THRISSUR
MEETING HELD ON 24.12.2021

(Venue : Conference Hall, Civil Station, Ayyanthole)

Present :

CHAIRMAN : SMT. HARITHA V KUMAR, IAS
DISTRICT COLLECTOR &
CHAIRMAN, R T A,
THRISSUR.
Represented by Sri Reji P Joseph
Deputy Collector (General) & A D M
(Addl. Charge to Collector)
Thrissur

MEMBER : SMT. G POONGUZHALI, IPS
DISTRICT POLICE CHIEF,
THRISSUR RURAL,
(MEMBER, R T A, THRISSUR)

MEMBER : SHRI. JAMES M P
DEPUTY TRANSPORT COMMISSIONER ,
CENTRAL ZONE-1, THRISSUR.
(MEMBER, R T A, THRISSUR)

Item No 51

Perused the judgment of the Hon'ble STAT dated 07/12/2019 in MVAA No. 156/2019. Heard. This is an application for renewal of permit in respect of the stage carriage KL 09 P 2520 on the intra district route Annamanada – Thriprayar, valid upto 16.12.2020. The permit validity has been extended upto 31/12/2021 as per G O (Rt) No. 408/2021/Trans dated 22/11/2021. The application for renewal of permit is filed on 16/11/2021. Renewal of permit is **granted** subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Decision on applications for transfer of permit and variation of permit are **adjourned** for revalidation of the permit as granted by the above decision. Hence the Secretary RTA shall place the application for transfer of permit and variation of permit in the next meeting of this authority for reconsideration with due notice to all the concerned.

Item No 52

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 53

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 54

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 55

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 56

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 57

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 58

Heard. This is an application for renewal of permit in respect of the stage carriage KL 48 D 5431 on the inter district route Thrissur – Kuttipuram, valid upto 06/08/2021. The permit validity has been extended upto 31/12/2021 as per G O (Rt) No. 408/2021/Trans dated 22/11/2021. The application for renewal of permit is filed on 23/06/2021. Renewal of permit is **granted** subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Decision on the application for transfer of permit is **adjourned** for validation of the permit. The Secretary RTA shall place the application for transfer of permit before this authority in the next meeting after endorsing the granted renewal as per the above decision and issuing due notices to both the applicants.

Item No 59

Heard. This is an application for renewal of permit in respect of the stage carriage KL 48 J 4656 on the inter district route Guruvayur - Thrissur – Kuttipuram, valid upto 26/05/2020. The permit validity has been extended upto 31/12/2021 as per G O (Rt) No. 408/2021/Trans dated 22/11/2021. The application for renewal of permit is filed on 03/06/2020. Renewal of permit is **granted** subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Decision on the application for transfer of permit is **adjourned** for validation of the permit. The Secretary RTA shall place the application for transfer of permit before this authority in the next meeting after endorsing the granted renewal as per the above decision and issuing due notices to both the applicants.

Item No 60

Heard. Decision on the application for transfer of permit is **adjourned** for want of validating the permit. The Secretary RTA shall place the application for transfer of permit before this authority in the next meeting after renewing the permit and issuing due notices to both the applicants.

Item No 61

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 62

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 63

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 64

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 65

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 66

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any and also the pending check reports.

Item No 67

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 68

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 69

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 70

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 71

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 72

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 73

Heard. Decision on the application for transfer of permit is **adjourned** for want of validating the permit. The Secretary RTA shall place the application for transfer of permit before this authority in the next meeting after renewing the permit and issuing due notices to both the applicants.

Item No 74

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 75

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 76

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 77

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 78

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 79

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 80

Heard. This is an application for renewal of permit in respect of the stage carriage KL 08 AD 3658 on the inter district route Kunnankulam – Kundukadavu Jn, valid upto 24/05/2019. The application for renewal of permit was filed on 07/05/2019. Renewal of permit is **granted** subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Decision on the application for transfer of permit is **adjourned** for validation of the permit. The Secretary RTA shall place the application for transfer of permit before this authority in the next meeting after endorsing the granted renewal as per the above decision and issuing due notices to both the applicants.

Item No 81

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 82

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 83

Decision on this application have already been taken by way of circulation under Rule 130 of Kerala Motor Vehicles Rules, 1989 by **allowing** the transfer of permit. Hence disposed as **infructuous**.

Item No 84

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 85

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 86

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 87

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 88

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 89

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 90

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 91

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 92

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 93

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 94

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 95

Perused the judgment of Hon'ble High Court of Kerala dated 02.11.2020 in WP(C) No. 25751/2020.

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 96

Heard. This is to reconsider the joint application for transfer of permit in respect of stage carriage KL 08 AT 3735 operating on the inter district route Peechi – Kuttipuram (Permit valid up to 04.04.2022). As per the decision of this authority dated 05/09/2019 vide item no. 115 in the agenda, transfer of permit was allowed from the name of Sri E R Vijayakumar to Sri A K Babu subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any. The applicant failed to obtain the granted transfer due to his own reasons and requested on 21/12/2019 to allow maximum time for producing the current records. His request was considered by RTA in the meeting held on 21/01/2020 vide item no. 57 and was decided to allow maximum time of 30 days. This decision was communicated to the applicant

on 28/05/2020. The request to condone delay along with current records of the vehicle is seen filed before the Secretary RTA on 19/03/2021.

This authority is convinced that the applicant was prevented by good and sufficient reasons from submitting the current records of the vehicle due to the then prevailing Covid -19 restrictions and difficulties. Hence the Secretary RTA shall consider the **request favourably and endorse the granted transfer of permit**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any, adhering to all usual formalities.

Item No 97

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 98

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 99

Heard. Transfer of permit **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 100

Heard. This is an application for transfer of permit subsequent to the death of the permit holder Smt. Lalitha Bai to the name of her son Sri Bibilal. Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary RTA shall obtain documentary evidence from the proposed transferee to prove his succession for the entitlement for such transfer as per the dictum laid down by Hon'ble High Court of Kerala in **Bhagyalakshmy P v. Secretary Regional Transport Authority Palakkad (2010) 2 KLT 431**. Hence decision on the application for transfer of permit (death) is adjourned.

Item No 101

Heard . Perused the records. Transfer of permit (death) from the name of the deceased permit holder Sri Balan K K to his son Sri Biju is **allowed**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 102

Heard. This is an application for transfer of permit subsequent to the death of the permit holder Sri Davis to the name of his son Sri Dijo Davis. Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary RTA shall obtain documentary evidence from the proposed transferee to prove his succession for the entitlement for such transfer as per the dictum laid down by Hon'ble High Court of Kerala in **Bhagyalakshmy P v. Secretary Regional Transport Authority Palakkad (2010) 2 KLT 431**. Hence decision on the application for transfer of permit (death) is **adjourned**.

Item No 103

Heard. This is an application for transfer of permit subsequent to the death of the permit holder Sri Davis C O to the name of his son Sri Dijo Davis. Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary RTA shall obtain documentary evidence from the proposed transferee to prove his succession for the entitlement for such transfer as per the dictum laid down by Hon'ble High Court of Kerala in **Bhagyalakshmy P v. Secretary Regional Transport Authority Palakkad (2010) 2 KLT 431**. Hence decision on the application for transfer of permit (death) is **adjourned**.

Item No 104

Heard. This is an application for transfer of permit subsequent to the death of the permit holder Sri Davis C O to the name of his son Sri Dijo Davis. Section 82(2) and (3) of Motor Vehicles Act, 1988 deals with the transfer of permit subsequent to the death of a permit holder. The Secretary RTA shall obtain documentary evidence from the proposed transferee to prove his succession for the entitlement for such transfer as per the dictum laid down by Hon'ble High Court of Kerala in **Bhagyalakshmy P v. Secretary Regional Transport Authority Palakkad (2010) 2 KLT 431**. Hence decision on the application for transfer of permit (death) is **adjourned**.

Item No 105

Perused the judgment of the Hon'ble High Court of Kerala dated 22.03.2021 in WP(C) No. 4977/2021 (V).

Heard, the applicant and the representative of the financier. This is an application for transfer of permit (death) from the name of the deceased permit holder Sri M K Raman to the name of his son Sri Hari. The vehicle is seen hypothecated with Trichur District Motor Transport Owners Co-operative Society Ltd., Thrissur. The financier submitted an objection before this authority and informed that there is a default payment of the loan towards the financier amounting to Rs 7.5 lakhs. Hence the financier objected the requested transfer of permit. Hence decision on the application for the transfer of permit (death) is **adjourned** with direction to the applicant to produce NOC from the financier. On receipt of the same, the Secretary RTA, shall place the application before this authority for reconsideration.

Item No 106

Perused the judgment of the Hon'ble High Court of Kerala dated 22.03.2021 in WP(C) No. 4977/2021 (V).

Heard, the applicant and the representative of the financier. This is an application for transfer of permit (death) from the name of the deceased permit holder Sri M K Raman to the name of his son Sri Hari. The vehicle is seen hypothecated with Trichur District Motor Transport Owners Co-operative Society Ltd., Thrissur. The financier submitted an objection before this authority and informed that there is a default payment of the loan towards the financier amounting to Rs 7.5 lakhs. Hence the financier objected the requested transfer of permit. Hence decision on the application for the transfer of permit (death) is **adjourned** with direction to the applicant to produce NOC from the financier. On receipt of the same, the Secretary RTA, shall place the application for transfer of permit (death) along with the application for renewal of permit before this authority for reconsideration. Hence decision on the application for renewal of permit is **adjourned**.

Item No 107

Perused the judgment of the Hon'ble High Court of Kerala dated 22.03.2021 in WP(C) No. 4977/2021 (V).

Heard. This is an application for renewal of permit and transfer of permit filed by the applicant Sri Hari M R, subsequent to the death of his father Sri M K Raman who is the permit

holder and registered owner of the stage carriage KL 08 AH 9, which is authorized to operate on the intra district route Thanissery – Chirakkal – Chalakkudy – Mathilakam – Perinjanam on the strength of regular permit valid up to 23/11/2019. The application for renewal of permit is filed on 21/10/2019 and for the transfer of permit, on 03/10/2019. As per the notes of the Secretary RTA, all the legal heirs were heard and there were no objections recorded at the time of the hearing, which was conducted on 24/11/2020. Hence application for the transfer of permit (death) is **allowed** and the renewal of permit is **granted**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 108

Perused the judgment of the Hon'ble High Court of Kerala dated 22.03.2021 in WP(C) No. 4977/2021 (V).

Heard. This is an application for renewal of permit and transfer of permit filed by the applicant Sri Hari M R, subsequent to the death of his father Sri M K Raman who is the permit holder and registered owner of the stage carriage KL 08 AR 4007, which is authorized to operate on the intra district route Nalukettu – Perinjanam on the strength of regular permit valid up to 02/07/2020 (As per the Notifications of various dates issued by MorTH and as per G O (Rt) No. 408/2021/Trans dated 22/11/2021, the validity of documents related to Motor Vehicles Act and Rules are treated as valid till 31/12/2021). The application for renewal of permit is filed during this period on 17/11/2020 and for the transfer of permit was filed on 19/11/2019. As per the notes of the Secretary RTA, all the legal heirs were heard and there was no objections recorded at the time of the hearing, that was conducted on 24/11/2020. Hence application for the transfer of permit (death) is **allowed** and the renewal of permit is **granted**, subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any.

Item No 109

These are applications for renewal of permit and transfer of permit (death) filed by the claimed possessor Smt Vasanthi, wife of the deceased, Sri Balan, permit holder of stage carriage KL 08 AG 4959 authorised to operate on the inter district route Thrissur – Shornur on the strength of regular permit valid up to 15/08/2021.

Since the permit is inter district one, the required route enquiry report from sister RTA Palakkad is not seen obtained in this case. Hence the Secretary RTA is directed to obtain the above report and place both the applications for transfer of permit (death) and renewal of permit before this authority in the next meeting for reconsideration. Hence decision on both the applications for renewal of permit and transfer of permit (death) are **adjourned**.

Item No 110

Heard, this is an application for replacement of stage carriage KL 07 AN 5183 (covered by regular permit 8/37970/2003 valid up to 21.12.2023 on the route Nelluvai – Thrissur – Ayyanthole – Medical College) by the stage carriage KL 11 BB 5839. The material difference exceeds 25% by reducing the seating capacity from 33 to 23, which will reduce the travelling facility of the public and revenue of the government in terms of motor vehicle tax. Hence, the application for replacement of vehicle is **rejected** as per Rule174(2)(b) of KMV Rule,1989.

Item No 111

Heard. This is a request to allow maximum time for submitting the current records for availing the replacement of stage carriage KL 09 M 2263 by KL 09 N 8199 which was granted by RTA on 05/09/2019 vide decision in item no. 124 in the agenda. While the request is being considered, the applicant/permit holder appeared before this authority and intimated that she is not interested to proceed further with the granted replacement due to her own reasons. Hence the request presented by the permit holder before this authority is **allowed by revoking the grant of replacement of vehicle** dated 05/09/2019.

Item No 112

Heard. Perused the records. The stage carriage KL 13 K 3031 is covered by regular LSOS permit (8/1014/1996) valid up to 25/03/2021. The vehicle covered by the permit KL 13 K 3031 has attained 15 years of age on 03/09/2018. The application for replacement was filed on 31/08/2018 without mentioning the details of incoming vehicle. As per the decision of this authority dated 05/09/2019, vide item no. 132 in the agenda, direction has been given to the applicant to replace the vehicle with a suitable one before 31/12/2019. It was also mentioned in the decision that the permit will be revoked without further notice if he fails to replace the vehicle within the above period. The applicant failed to comply the direction of this authority till date.

As per the above decision the permit stands revoked. Hence the application for renewal of permit dated 04/03/2021 in respect of KL 13 K 3031 and his request to condone delay and accept proposed vehicle is **infructuous and hence rejected**.

Item No 113

Heard. The complainant was absent while this matter was considered by this authority. On perusal of records and reports, no supporting documents are seen submitted by the enquiry officer to substantiate his findings. Hence the Secretary RTA shall conduct detailed enquiry about this complaint and submit a detailed report with supporting documentary evidences. The

possession of the vehicle shall also be ascertained. On completion of the enquiry along with the report, after issuing proper notices to all the concerned, the matter shall be placed before this authority, if necessary. Hence the decision on the complaint is **adjourned**.

Item No 114

The complainant was absent. The Secretary RTA shall conduct a detailed enquiry on the complaint regarding the genuineness of the complaint, the violations made as per M V Act and Rules, and then place the matter before this authority in the ensuing meeting after issuing due notices to all the concerned. Hence the decision is **adjourned**.

Item No 115

This is an application for a new bus stop in front of Maveli Store, Perinjanam. Similar request was considered by this authority after conducting detailed enquiry, in the meeting held on 05/09/2019 vide item no. 135 in the agenda. The request was rejected in a speaking decision. On further enquiry there is no changed circumstances to reconsider the matter. Hence the request is **rejected**. The Secretary RTA shall inform the applicants the above details.

Item No 116

Perused the judgments of Hon'ble STAT in 1) MVAA No. 148/2019 dated 13.02.2020 2) MVAA No. 147/2019 dated 13.02.2020 3) MVAA No. 256/2019 dated 21.08.2020 4) MVAA No. 84/2020 dated 21.08.2020 5) MVAA No. 266/2018 dated 07/12/2018 .

Considered the applications for variation of permit to change the parking places to the places in the city limit (Naduvilal, Paramakkavu temple, Ayyanthole Civil lane, Chelakottukara, Jubilee Mission Hospital). The Secretary RTA shall conduct detailed enquiry on the proposed applications for variation of permit for changing parking places to Corporation limits in Thrissur, in compliance to the directions of the Hon'ble STAT in the respective judgments. After obtaining a detailed report, by issuing due notices to Corporation authorities, Police Department and all the concerned, these applications shall be placed before this authority in the next meeting. Hence decision on applications for variation of permit (proposing to change the parking place) is **adjourned**.

Item No 117

Perused the judgment of Hon'ble High Court of Kerala dated 04/11/2019 in WP(C) No. 27825/2019. Applicant was absent. Considered the application for variation of permit to

change the parking place to the places in the city limit, Ayyanthole ground. The Secretary RTA shall conduct detailed enquiry on the proposed application for variation of permit for changing parking place to Corporation limits in Thrissur, in compliance to the directions of the Hon'ble High Court of Kerala in the respective judgment. After obtaining a detailed report, by issuing due notices to Corporation authorities, Police Department and all the concerned, this application shall be placed before this authority in the next meeting. Hence decision on application for variation of permit (proposing to change the parking place) is **adjourned**.

Item No 118

This is a belated application for renewal of permit in respect of auto rickshaw KL 08 BE 3289. Permit in respect of this vehicle is seen expired on 28.11.2019. Belated application for renewal of permit received on 25.03.2021. This authority is convinced that the applicant is prevented by good and sufficient reasons from making the application for renewal of permit in time due to his health related issues. Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 119

Heard. This is a belated application for renewal of permit in respect of auto rickshaw KL 08 BN 9812. Permit in respect of this vehicle is seen expired on 26.03.2018. Belated application for renewal of permit received on 13.01.2020. This authority is convinced that the applicant is prevented by good and sufficient reasons from making the application for renewal of permit in time due to his health related issues. Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 120

Heard. This is a belated application for renewal of permit in respect of auto rickshaw KL 08 BD 3469. Permit in respect of this vehicle is seen expired on 18.07.2019. Belated application for renewal of permit received on 05.02.2021. This authority is convinced that the applicant is prevented by good and sufficient reasons from making the application for renewal of permit in time due to her health related issues. Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if

applicable and clearance of Govt. dues, if any. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 121

Heard. This is a belated application for renewal of permit in respect of auto rickshaw KL 08 AV 9078. Permit in respect of this vehicle is seen expired on 26.01.2020. Belated application for renewal of permit received on 20.03.2020. This authority is convinced that the applicant is prevented by good and sufficient reasons from making the application for renewal of permit in time due to his health related issues. Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 122

Heard. This is a belated application for renewal of permit in respect of auto rickshaw KL 08 BC 9365. Permit in respect of this vehicle is seen expired on 01.06.2019. Belated application for renewal of permit received on 14.07.2020. This authority is convinced that the applicant is prevented by good and sufficient reasons from making the application for renewal of permit in time due to his health related issues. Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 123

Heard. This is a belated application for renewal of permit in respect of auto rickshaw KL 08 AL 9354. Permit in respect of this vehicle is seen expired on 10.06.2018. Belated application for renewal of permit received on 23.03.2021. This authority is convinced that the applicant is prevented by good and sufficient reasons from making the application for renewal of permit in time due to her health related issues. Hence delay condoned, renewal of permit is **granted**, from the date of application subject to the production of NOC from the financier, if applicable and clearance of Govt. dues, if any. If it is revealed on the enquiry that the vehicle had conducted service after the expiry of permit, compounding fees shall be levied for permit less operation.

Item No 124

There are no items mentioned in the agenda to ratify. Hence disposed as **infructuous**.

Item No 125

Nil

Item No 126

Will be fixed later and published on the notice board.

Supplementary Item No 1

Perused the judgment of Hon'ble STAT dated 20.09.2019 in MVAA No. 270/2018.
Perused the judgment of Hon'ble High Court of Kerala dated 22.01.2021 in WP(C) No. 1006/2021.

Heard the learned counsel representing the applicant and the financier. On perusal of records, the stage carriage KL 08 Y 3950 covered by regular permit on the route Ponnukara – Ayyanthole valid up to 29/12/2017, was found to be under hypothecation agreement with Yogakshemam Loans Ltd., Thrissur. An application for renewal of permit was filed on 14/12/2017, without NOC of the financier. On 15/02/2018 an application for replacement of stage carriage KL 08 Y 3950 by another stage carriage KL 02 Q 9513 was filed. Later by intimating that the vehicle was repossessed with effect from 18.01.2018, an application for fresh registration certificate was filed by the financier to transfer the ownership of the vehicle to their name.

After ascertaining the possession of the vehicle by the financier through enquiry officer, a fresh Registration Certificate was also issued to the financier. Both the above applications for renewal of permit and replacement of vehicle were considered by this authority in the meeting held on 04/06/2018 vide decision in item no. 90. *"By finding that the permit holder not only defaulted the service but also ceased to own the vehicle, the application for renewal of permit as well as the application for replacement of vehicle were **rejected**."*

Challenging the above decision an appeal was filed before the Hon'ble STAT in MVAA No. 270/18. As per the judgment dated 20/09/2019 in MVAA No. 270/18, Hon'ble Tribunal set

aside the impugned order and directed to reconsider the renewal application first and pass orders on merits and to consider replacement application if renewal is allowed. Alleging non implementation of the directions of the Hon'ble Tribunal, the permit holder also filed a writ petition before Hon'ble High Court of Kerala in WP(C) No. 1006/21. In the judgment dated 22/01/2021 the Hon'ble High Court of Kerala has directed this authority *to consider the applications for renewal of permit and replacement of vehicle in the sequence by giving reasonable opportunity to all the concerned in accordance with law within a specified time frame.*

From the perusal of records, it is clear that the financier has refused to issue an NOC for renewing the permit and also taken possession of the vehicle by obtaining fresh Certificate of Registration. Hence as per section 51(9) (a) (i) renewal of permit is **rejected**. In view of the above decision on the application for the renewal of permit, application for replacement of vehicle is also **rejected**.

Supplementary Item No 2

Perused the judgment of Hon'ble High Court of Kerala dated 30.03.2021 in WP(C) 7093 of 2021(J).

Heard. This is an application for variation of permit in respect of stage carriage KL 46 D 4723 authorised to operate on the route Nellore – Chalakudy – Thrissur as LSOS valid upto 20/05/2022. The proposed variation is to change the starting and halting place from Nellore to Maramkode by curtailment of trips (12 km between Maramkode to Nellore), and also to increase the stops from existing number of 65 to 71. The judgment of Hon'ble High Court of Kerala has also *directed to consider this variation application within a stipulated period after considering even the written objections if any submitted.*

An en route operator has filed an objection alleging that allowing additional stops will lead to time clashes and unhealthy competition among the en route stage carriage operators. The enquiry report also reveals that the trip curtailment will adversely affect the travelling public from Maramkode to Nellore. The comparative advantages of the various variations proposed shall be enquired with, along with the objections above. The report shall specifically enquire whether the proposed bus stops are approved ones and enlist the details of stops on the operating route. The Secretary RTA shall conduct enquiry on the above aspects and submit a detailed report before this authority in the ensuing meeting after offering opportunity to be heard for the objectors, if any. Hence decision on the applications **adjourned**.

Supplementary Item No 3

Perused judgment of Hon'ble High Court of Kerala dated 27/04/2021 in WP(C) No. 9765/2021(U).

Heard. This is an application for transfer of permit in respect of the stage carriage KL 08 AJ 8899 authorised to operate on the route Govindapuram – Guruvayur as LSOS, permit of which is valid up to 30/07/2022. The vehicle is seen attained 15 years of age set for LSOS on 28/09/2021. No application for replacement of vehicle to make the permit operational is filed by the permit holder. Hence decision on the application for transfer of permit with an unsuitable vehicle for operation will not serve the purpose of permit. Hence application for transfer of permit is **rejected**.

(Sd/-)

Shri. James M P

Deputy Transport Commissioner
Central Zone – 1, Thrissur
(Member , RTA Thrissur)

(Sd/-)

Smt. G Poonguzhali IPS

District Police Chief, Thrissur Rural
(Member , RTA Thrissur)

(Sd/-)

Sri Reji P Joseph

(Addl. Charge to Dist. Collector, Chairman RTA Thrissur)
Deputy Collector (General) & A D M
Thrissur