MINUTES OF THE MEETING OF THE RTA, KOTTAYAM HELD ON 29-11-2021 AT JILLA PANCHAYATH HALL, KOTTAYAM

I- FRESH PERMIT APPLICATIONS – (STU)

Item No. 1 G1/16755/2021/K

Heard representative of the STU. Considered the application for the grant of fresh regular permit to Stage Carriage KL-15-7867 to operate on the route Pala – Vaikom via Kuravilangadu, Kaduthuruthy, Thalayolaparambu as Ordinary Service and granted fresh Regular permit with the set of proposed timings.

Item No. 2 G1/KL157905/2021/K

Heard representative of the STU. Considered the application for the grant of fresh regular permit to Stage Carriage KL-15-7905 to operate on the route Pala - Poonjar- Kottayam via Erattupetta, Pala, Ettumanoor as Ordinary Service and granted fresh Regular permit with the set of proposed timings.

Item No. 3

Heard representative of the STU. Considered the application for the grant of fresh regular permit to Stage Carriage KL-15-7962 to operate on the route Pala – Ramapuram via Ezhachery as Ordinary Service and granted fresh Regular permit with the set of proposed timings.

Item No. 4 J1/10457/2021/K

Heard representative of the STU. Considered the application for the grant of fresh regular permit to SC KL-15-8151 to operate on the route Kottayam – Mundakkayam - Kuzhimavu as Ordinary Service and granted fresh Regular permit with the set of proposed timings.

Item No. 5 G1/KL158589/2019/K

Heard representative of the STU. Considered the application for the grant of fresh regular permit to Stage Carriage KL-15-8589 to operate on the route Kottayam – Medical College- Kavalam as Ordinary Service and granted fresh Regular permit with the set of proposed timings.

Item No. 6 J1/18	3705/2021/K
------------------	-------------

Heard representative of the STU. Considered the application for the grant of fresh regular permit to Stage Carriage KL-15-8683 to operate on the route Kottayam -

G1/KL157962/2021/K

Azhangad via Ponkunnam, Mundakkayam, Meloram as Ordinary Service and granted fresh Regular permit with the set of proposed timings.

Item No. 7 G1/12638/2021/K

Heard representative of the STU. Considered the application for the grant of fresh regular permit to Stage Carriage KL-15-9085 to operate on the route Kottayam - Azhangad via Ponkunnam, Mundakkayam, Meloram as Ordinary Service and granted fresh Regular permit with the set of proposed timings.

I-A - FRESH PERMIT APPLICATIONS (PRIVATE SECTOR)

Item No.	8	J1/KL05P7891/2021/K
----------	---	---------------------

Heard, the learned counsel appeared on behalf of the applicant, STU and objectors. Perused the Judgment of the Hon'ble High Court of Kerala in WP (C) No. 17899 of 2021 dated 27-09-2021 and the Hon'ble Court directed to consider the application for fresh permit after affording an opportunity of hearing the petitioner and pass appropriate orders. This is an application for the grant of fresh regular permit to stage carriage KL 05 P 7891/another suitable vehicle to operate on the intra district route Perunna Temple- Kottayam via Perunna, Changanacherry, Mathumoola, Kurichy, Chingavanam, Nattakaom, Manipuzha as Ordinary Service. The relevant documents and enquiry report submitted by the field officer are also perused. The application for the grant of fresh permit submitted by the applicant on the very same route was considered and rejected by this Authority in its meeting held on 19-07-2004 vide item No. 10 on the basis of the overlapping in notified route beyond the permissible limits.

After that the stage carriage KL 05 P 7891 was operating in the above route with the strength of temporary permit issued up to 29-12-2017 and the subsequent application for temporary permit was also rejected by the RTA since the distance of overlapping is beyond the permissible limit as stipulated in G O(P) 8/2017/Tran dated 23-03-2017 and also the basis of the findings that there are sufficient stage carriages are operating by the STU and no need of temporary permit U/S 87 (1) (C) of the MV Act.

On perusal, it is noted that, here the applicant has submitted the very same application by stating that he is eligible for the grant of fresh regular permit on the basis of the decision of this Authority dated 25-07-2017 vide

item No. 113. The decision was pronounced on the backdrop of the of the promulgation of the GO(P) 8/2017/Trans dated 23-03-2017 and the decision is applicable to only permit renewal applications in private sector that issued prior to 14-07-2009. Here the applicant possesses no valid regular permit and therefore the version of the applicant cannot be taken in to consideration.

Moreover, the enquiry officer reported that, the total overlapping distance in notified route is 20.7 KMs i.e., 93.67% of the total route length of 22.1 KMs and which is beyond the permissible limit as per the provision of the GO(P) 8/2017/Trans dated 23-03-2017. The enquiry officer also reported that, there is no urgent necessity to grant permit since sufficient stage carriage services are currently serving the route. Since the entire route lies in and objectionably overlaps in Notified schemes, the enquiry officer recommended that the application for the grant of regular permit in respect of KL 05 P 7891 to operate on the route Perunna Temple – Kottayam may not be considered.

On the basis of the above observations, this Authority finds no merits in application as well as the versions put forwarded by the applicant. Therefore the application submitted for the grant of fresh regular permit in respect of stage carriage KL 05 P 7891 / another suitable vehicle on the route Perunna Temple-Kottayam is rejected.

Item No.	9	J1/8650/2020/K
ILCIII INO.	/	J / 00 J / 2020/ K

Heard the learned counsel appeared for the applicant, representative of the STU and objectors. The application was already considered by this Authority, in its last meeting held on 26-02-2021 vide item No. 3. and adjourned the same with direction to the applicant to submit application by mentioning all intermediate points for clarity and by offering even trips between the entire route. Against the order, the applicant has filed WP (C) 13282 of 2021 before the Hon'ble High Court and vide judgment dated 24-08-2021, Hon'ble High Court directed to take up the application of the petitioner and dispose it of, after affording an opportunity of being heard to the petitioner and the competent authority of the KSRTC and after conducting inspections, as may be required in law, thus culminating in an appropriate order thereon.

Accordingly, the modified application is considered and perused all relevant documents and enquiry reports furnished by the field officers in this regard. Since the distance of overlapping is very close to the permissible limit, a counter check was already conducted through the field officer. On perusal of the report of the field officer, it is realized that the total route length is 65.5 is lying in Kottayam district and portions of route from Marian Jn. to R V jn. by a distance of 1.3 KMs and from Adivaram to Adivaram Top by a distance of 2.5 KMs stated as virgin portion is reported as fit for stage carriage operation by the Public Works Department. As per the report of the field officer, total overlapping distance is 3.2KMs, i.e. 4.89% of the total route length of 65.5 KMs which is within the permissible limit as per G O(P) 8/2017/Trans dated 23-07-2017.

The enquiry officer reported that the proposed route is offering service through the rural areas of Meenachil Taluk and Ettumanoor Muncipality. Hence it will provide better travelling facility to travelling public and students towers the nearby towns. On perusal of enquiry report it is also noted that the proposed service is connected to the backward areas of Adukkam to Erattupetta and Pala town especially for students and the proposed service is also connected the pilgrim centre to pala town i.e bharananganam, Cherpunkal palli and Erattupetta temple. It is also reported that the Mar Sleeva Medicity Cherpunkal is situated in this proposed service is very helpful to the public for travelling.

The representative of the STU submitted objections against the proposed timings only.

Therefore, fresh regular stage carriage permit is granted to the stage carriage KL 05 Z 7 or another suitable stage carriage in Ettumanoor – Adivaram Top as ordinary service subject to the settlement of the timings as per Order No.D3/2813/STA/2013dated 21-04-2018 of the STA. The objections raised by representative of the STU as well as other affected operators against the proposed timings should also be considered in the timing conference.

Item No. 10 J1/KL35J0678/2020/K	
---------------------------------	--

Heard the learned counsel appeared for the applicant, representative of the STU and objectors. The application was considered by this Authority, in its last meeting held on 26-02-2021 vide item No. 3. and adjourned the same with direction to the applicant to submit modified set of proposed timings by offering even trips in the entire route by mentioning all intermediate points of the route. Accordingly applicant has submitted modified application. Accordingly the modified application is considered and perused all relevant documents and enquiry report furnished by the field officer in this regard. The enquiry officer reported that the proposed portion of route from Kanjiramkavala to Pazhukkakkanam is ill served and granting a permit to this route is beneficial to public including students. Illickalkallu is a famous tourist place and it is beneficial to the tourists. At present there is no stage carriage service between Kalamukku and Pazhakkakkanam.

Therefore, fresh regular stage carriage permit is granted to the stage carriage KL 35 J 0678 / another suitable stage carriage in the intra district route Kanjiramkavala – Pala as ordinary service subject to the settlement of the timings as per Order No.D3/2813/STA/2013dated 21-04-2018 of the STA. The objections raised by representative of the STU as well as other affected operators against the proposed timings should also be considered in the timing conference.

Heard the learned counsel appeared for the applicant, representative of the STU and objectors. On perusal of the application as well as enquiry report, it is noted that this is an application for the grant of fresh regular permit on inter district route lies in Kottayam and Idukki districts. Out of total route length of 65.5 KMs, 5.5 KMs lies in the jurisdiction of the RTA Idukki and concurrence of the sister RTA is necessary for proceeding with this application. Therefore direction issued to the Secretary to seek concurrence from Idukki RTA for further consideration of the application and place the matter along with the decision of the RTA, Idukki in this regard.

Hence the application is adjourned for consideration on the basis of the above observation.

Item No.	12	J4/KL63D4280/2021/K
----------	----	---------------------

Heard the learned counsel appeared for the applicant and the representative of the STU and objectors. The learned counsel for the applicant submitted that the variation application is submitted in the light of joint application for transfer of permit which is the agenda of this meeting vide item No. 46. Records also perused. The representative of the STU on written submission pointed out that additional overlapping on the notified sector violating clause 19 of the GO (P) 8/2017/Tran Dated 23-03-2017. On perusal of records, it is noticed that the entire proposed extension

of route from Thalayolaparambu to Kuruppumthara by a distance of 11 KMs fully overlaps with Ernakulam – Thekkady Scheme and the right to increase trips in nationalized route vested with STU as per the provisions contained in GO (P) 8/2017/Tran Dated 23-03-2017. Therefore the proposed extension sought for is against the provisions of the above said Order.

Therefore, on the basis of the above observation, the application for variations of conditions of permit in respect of the stage carriage KL 63 D 4280 on the route Ernakulam – Mundakkayam is rejected.

Item No. 13	J3/KL05X1708/2021/K
-------------	---------------------

Heard the learned counsel appeared for the applicant and the representative of the STU and other objectors. Records and enquiry report of the field officer are also perused. On perusal, it is noticed that the proposed curtailment portion from Ettumanoor to Chamakkala by a distance of 8 KMs is an ill served area and the proposed curtailment is against the interest of the travelling public solely depending the service of stage carriages. Moreover the enquiry officer specifically reported that the proposed curtailment will adversely affect the traveling facility of travelling public to Chamakkala.

On the basis of the above observation, the application for variations of conditions of permit in respect of the Stage carriage KL 05 X 1708 on the route Chamakkala – Kottayam is rejected.

Item No.	14	J4/KL05X5000/2021/K
----------	----	---------------------

Heard the learned counsel appeared for the applicant and the representative of the STU and objectors. The representations received from various self government institutions, records and enquiry report of the field officer were also perused.

On perusal, it is noted that the proposed variation of route from Ayarkunnam to Pampady is offering stage carriage service through ill served areas between Mannanathodu to Eruthupuzha and Chemparathimood to Pampady. The enquiry officer is reported that proposed curtailed portion of route from Ayarkunnam to Puthupally is well served.

Therefore the proposed variation is more beneficial to the commuters currently deprived of adequate travelling facility. Hence variations of conditions of permit in respect of stage carriage KL 05 X 5000 on the proposed route Pampady - Ettumanoor via Chennamattom, Panapally, S N Kooroppada, Moongakuzhy, Lakkattoor, Puram, MGM, Kuttikkattu, Ayarkunnam, Manoorpally, Thalikallu, Mannathodu, Thandasserry, Neerikad and Arumanoor as oridinary service is granted subject to as per Order No.D3/2813/STA/2013dated 21-04settlement of timings 2018 of the STA. The objections raised by representative of the STU as well as other affected operators against the proposed timings should also be considered in the timing conference.

Item No. 15 J4/KL05AW2862/2021/K

Heard the learned counsel appeared for the applicant. On perusal of records, it is noticed that, the portions of proposed curtailment route from Kottayam to Medical College by a distance of 8 KMs lies in Kottayam – Neendoor complete exclusion scheme. Application is submitted for excluding the portions traverses in Kottayam – Neendoor complete exclusion scheme.

Hence variations of conditions of permit in respect of stage carriage KL 05 AW 2862 on the proposed variation route Changanacherry – Kottayam via Mathumoola, Thuruthy, Missionpally, Kurichy OP, Mandiram, Chingavanam, Pannimattam, Pakkil and Mulamkuzha as ordinary service is granted subject to the awaiting Government decision in this regard and subject to settlement of timings.

Item-16 V1/4565/2021/K

Heard the learned counsel appeared on behalf of the applicant and objectors. Perused the Order of the Hon'ble STAT in MVAA No.99/2019 dated 11/11/2020 and in the light of the above order the application for variations of conditions of permit considered afresh.

On verification of application, it is learned that the application has submitted for curtailing first trip from Changanacherry to Thottackad Hospital and last trip from Thottackadu Hospital to Changanacherry. The applicant has put forwarded the reason that, he is a resident of thottackad and crew of the vehicle also belongs to thottackad and over hauling workshop facility is also maintained at Thottackad. On perusal of the enquiry report, it is specifically reported that the curtailment will badly affect the existing travelling facility enjoyed by the passengers of this area.

It is evident that, the proposed curtailment is against the interest of the travelling public. Hence, being the Authority responsible for safeguarding the travelling interests of the common commuters, RTA cannot proceed with the variation application. Therefore it is decided to not to proceed further with the variations application on in the interest of the travelling public and the application for variations of conditions of permit in respect of stage carriage KL 05 W 504 for curtailing the first and last trip is rejected.

Item No- 17

J3/KL33F1906/2021/K

Heard the learned counsel appeared for the applicant. On perusal of records, it is noticed that the portions of proposed curtailment route from Kottayam to Pullarikunnu by a distance of 5 KMs lies in Kottayam – Neendoor complete exclusion scheme. The proposed variation application is meant for excluding the portions of route lies in Kottayam – Neendoor complete exclusion scheme.

Hence variations of conditions of permit in respect of stage carriage KL 33 F 1906 on the proposed variation route Kottayam – Changanassery via Kanjikuzhi, Puthuppally, Kaithapalam, Njaliyakuzhi & Thengana as ordinary service is granted subject to the awaiting Government decision in this regard and settlement of timings.

ltem : 18	V3/6727/2021/K

Heard the learned counsel appeared for the applicant. On perusal of records, it is noticed that the portions of proposed curtailment route from Kottayam to Konchumada by a distance of 14 KMs lies in Kottayam – Neendoor complete exclusion scheme.

The proposed variation application is meant for excluding the portions of route lies in Kottayam – Neendoor complete exclusion scheme.

Hence variations of conditions of permit in respect of stage carriage KL-5-AP-5671 on the proposed variation route Kottayam – Karukachal via Manarcadu, Pampady, Kuttickal, Alampally and Manthuruthy as ordinary service is granted subject to the awaiting Government decision in this regard and settlement of timings.

Item No-19	J3/2624/2021/K

Heard the learned counsel appeared for the applicant and the representative of the STU. Perused records and enquiry report of the field officer.

On perusal it is noted that, the enquiry officer has reported that the proposed curtailment from Moothedathukavu to TV Puram kavala will not affect travelling public since there are lot of stage carriages are operating from TV Puram-Vaikom sector passing through TV Puram kavala. The enquiry officer also reported that the proposed extension from Moothedathukavu to Kothavara St. Xaviers College will be beneficial to students and staff of the St. Xaviers college and also for the public. Therefore it is evident that the proposed extension will cater the travelling needs of more commuters rather than the existing well served route. Hence variations of conditions of permit in respect of the stage carriage KL 38 6577 is granted as applied for subject to settlement of timings.

Item No-20	J6/1322/2021/K
	30/ 1322/ 2021/ 1

Heard the learned counsel appeared on behalf of the applicant. This is the application for the variations of conditions of permit intending for curtailment of two evening trips between Kalathukadavu and Mechal by a distance of 20.5 KMs and vice versa. The enquiry officer has specifically reported that, the proposed curtailment of intermediate trip in existing route may adversely affect travelling public and students. It is also reported that the variation is disadvantageous based on the travelling facility of route portions involved in variation. Therefore it is evident that the proposed curtailment is against the interest of the travelling public. Moreover the proposed curtailment portion is an ill served area and at present there is no alternative mechanism available for catering the travelling needs of the common commuters presently makes use of this service. Therefore the application submitted for variations of conditions of permit intended for curtailing trips between ill served areas between Kalathukadavu and Mechal in respect of stage carriage KL 05 AT 9030 is rejected.

|--|

Heard the representative of the STU and the objectors. Since the STU having privilege in matters related to stage carriage permit, variation is granted as applied for with set of proposed timings.

Item No-	22	J6/1322/2021/K

Heard the learned counsel appeared for the applicant. On perusal of records, it is noticed that the portions of proposed curtailment route from Kottayam to Medical College by a distance of 8 KMs lies in Kottayam – Neendoor complete exclusion scheme.

The proposed variation application is meant for excluding the portions of route lies in Kottayam – Neendoor complete exclusion scheme.

Hence variations of conditions of permit in respect of stage carriage KL 33 C 8688 on the proposed variation route Kottayam – Thiruvalla via Kanjikuzhy, Puthuppally, Njaliyakuzhy, Thengana, Kunnumpuram, Kottamuri and Paippad as ordinary service is granted subject to the awaiting Government decision in this regard and settlement of timings.

Item No.23	J6/13542/2019/K
------------	-----------------

Heard the learned counsel appeared on behalf of the Secretary, Kottayam Jilla Consumer and Passengers Welfare Society, the counsel for the permit holder and representative of other affected parties. This is the adjourned item No. 9 of the last meeting of the RTA dated 26-02-2021, that ordered to maintain status quo for the want of certified copy of the Hon'ble STAT in M.V.A.R.P No. 22/2020 dated Judgment of the 23/03/2020. Accordingly the certified copy of the above judgment was submitted and perused the Judgment. On perusal of the Judgment of the Hon'ble STAT, it is noticed that the Hon'ble STAT allowed the Revision Petition filed by the Kottayam Jilla Consumer and Passengers Welfare Society against the grant of variations of conditions of permit in respect of stage carriage KL 34 G 9814 and set aside the order this Authority issued vide item No. 28 of the meeting dated 19-11-2019 and directed the RTA to reconsider the application for variation afresh and pass orders in accordance with law. Also perused the Judgment of the Hon'ble High Court of Kerala in WP (C) 21363 of 2021 dated 26-11-2021 that ordered the hearing of petitioner, 4th respondent and other affected/interested parties if any. Accordingly all affected parties present in the open meeting were heard.

Accordingly, this Authority perused all relevant records, documents, objections, enquiry report in this regard in detail and noticed that the entire curtailed portion from Ranni to Vadasserikara lies in the jurisdiction of the RTA, Pathanamthitta. Hence it is decided to seek the concurrence of sister RTA in this regard as per Rule 171 (3) of the KMV Rules. Therefore Secretary is directed to seek concurrence from RTA Pathanamthitta and refer the matter to this Authority along with concurrence of the sister RTA for afresh consideration. Hence adjourned. The permit holder is permitted to operate on the basis of the timings issued on 28-02-2020 following the grant of variations of conditions of the permit until further orders passed by this Authority in this regard.

Item No.	24	J5/e-182882/2021/K
----------	----	--------------------

Heard the learned counsel appeared on behalf of the applicant. This is an application for the grant of variations of conditions of permit in respect stage carriage KL 05 AG 5970 on the route Pongamthanam-Ernakulam Kaloor for curtailing one noon trip between Kottayam to Pongamthanam and vice versa. Perused the Judgment of the Hon'ble High Court of Kerala in WP(C) 2024 of 2021 dated 05/02/2021, WP(C) 2264 of 2021 dated 15/02/2021 and Order in I.A. No-1 of 2021 in WP(C) No-2024/2021 of High Court of Kerala dated 14/07/2021. The application, other relevant documents and enquiry report in this regard were also perused. On verification, it is noted that the permit holder has filed two applications - one for variations of conditions of permit and another for seeking change in existing timings and the two applications are complementary to each other in nature. Moreover, it is noticed that, the resultant timings offered by the applicant following the variations application, is not in tune with the proposed curtailment and it seems that the applicant is intended for revision of entire set of timings in the name of this variation application. Again on perusal of enquiry report in this regard it is learned that, the proposed change in time as well as curtailment will adversely affect the existing transport facility of the travelling public in ill served area between Kottayam to Pongamthanam.

Since both the applications are interrelated the enquiry officer has vividly described the aftermaths of this variation and the same as follows:

a. In existing time sheet this stage carriage starts trips at 7:10am from Pongamthanam, whereas in proposed time sheet this trips starts at 8:00AM. Since Pongamthanam- Kottayam route is ill served, this change will adversely affect the early commuters including students.

b. The stage carriage is conducting service on the route Pongamthanam- Ernakulam, in which Kottayam-Ernakulam route is well saturated. Any time change in this route will result unhealthy competition among other stage carriage services, which will adversely affect road safety.

In the light of the above enquiry report, it is clear that, the proposed curtailment and the resultant changes in timings will definitely against the interest of the travelling public as well the safety aspects of other road users. Therefore, the application for variations of conditions of the permit in respect of stage carriage KL 05 AG 5970 is rejected. The Secretary is hereby directed to issue separate order on time revision application in tune with this Order.

III - PERMIT RENEWAL APPLICATIONS

<u>V1/5652/2021/K</u>

Item No.	25	
----------	----	--

Heard the learned counsel appeared on behalf of the applicant. This is an application for renewal of the regular stage carriage permit in respect of the stage carriage KL-38-F-881 on the route Ambalakavala-Changanacherry-Ettumanoor via Ponganthanam, Nalunnakkal, Chakarimukku, Bye Chethipuzhakadavu, pass, Changanachery, Chethipuzha, Puthenchantha, Kannanchira, Njaliyakuzhy, Puthuppally, Manarcadu, Thiruvanchoor, Poovathummood, Kandanchira and Peroor as ordinary service for a further period of 5 years from the date of expiry. As per the report of enquiry officer, this is an intra district route having 53 KMs of route length. Total distance of overlapping is 2.290 and the same is within the permissible limit as per clause 5 (c) of the GO (P) 8/2017/Tran dated 23-03-2017. Hence renewal of regular permit is granted to the stage carriage KL-38-F-881 in Ambalakavala-Changanacherry-Ettumanoor route subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

Item No. 26	V3/KL40-6566/2021/K

Heard the learned counsel appeared on behalf of the applicant. This is an application for renewal of the regular stage carriage permit in respect of the stage carriage KL 40 6566 on the route Kaippuzhamuttu – Vazhamana via Achinakam, Bund road, Edayazham, Ullala, Vaikom and Arattukulangara as ordinary service for a further period of 5 years from the date of expiry. As per the report of enquiry officer, this is an intra district route having 22 KMs of route length. Total distance of overlapping is 900 Meters and the same is within the permissible limit as per clause 5 (c) of the GO (P) 8/2017/Tran dated 23-03-2017. Hence renewal of regular permit is granted to the stage carriage KL 40 6566 in Kaippuzhamuttu – Vazhamana route subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

Item No- 27	J4/ KL33 D 3836/2021/K
-------------	------------------------

Heard the learned counsel appeared on behalf of the applicant. Perused the relevant documents, records and the application submitted by the permit holder. On perusal in is noted that the permit holder has submitted variations of conditions of permit for liming the total route length within the stipulation contained in Rule 2 (oa) of the KMV Rules 1989 and accordingly this Authority granted the variation vide item number 16 of the meeting dated 22-02-2018. Even though the permit holder has submitted current records in time, the endorsement part is not completed since the vehicle is operating U/S 214 (2) of the MV Act, following the expiry of the validity of the permit as per the Order of the Hon'ble STAT in MP No.273/2012 in MVAA73/2012 dated14-03-2012. Later the permit holder has also withdrawn the vehicle from permit under suspended animation as per the Order of the Hon'ble STAT in MVARP No.129/2018 dated 14-01-2019. Since the application for variations is submitted only for the purpose of limiting the total distance as per Rule 2 (oa) of KMV Rules, the variation may be endorsed in permit. The submission of variation is application is on the basis of the direction issued in this regard for enabling continued service of the vehicle in tune with Rule 2 (oa) of KMV Rules. Therefore secretary is entrusted to endorse the variations of conditions of permit as ordered by this Authority.

ltem No. 28	V2/ KL34D2709/2020/K

Heard the learned counsel appeared on behalf of the applicant. The counsel submitted that an application for variations of conditions of permit in respect of this vehicle is included in supplementary item of this meeting.

The application for renewal permit was already considered by this Authority in the last meeting dated 26-02-2021 vide item No. 10 and adjourned for specific enquiry report regarding the distance of overlapping in Kottayam – Kattappana scheme at Pala.

On verification of relevant documents and records, it is realized that the permit was issued in the vacancy of a surrendered permit and the excessive overlapping is occurred as part of traffic arrangements. Moreover there is no report regarding of taking over the service by the STU.

Since the permit is issued in the vacancy of a surrendered permit, the traveling needs of the commuters were taken in to consideration and application considered accordingly.

Hence renewal of regular permit is granted to the stage carriage KL 34 D 2709 in Pala – Ponkunnam route subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

Item No-	29	J4/ KL62A2571/2021/K
----------	----	----------------------

Heard the learned counsel appeared on behalf of the applicant. This is an application for renewal of the regular stage carriage permit in respect of stage carriage KL 62 A 2571 on the route Naranamthodu - Pala via Thulappally, Edakadathy, Mukkoottuthara, Elivalikkara, Erumely, Pathipara, Chenappady, Vizhikkahodu, KVMS Jn, Pinkunnam, Paika and return trip via Assissi Hospital, Mukkuttuthara and Chathanthara as ordinary service for a further period of 5 years from the date of expiry. As per the report of enquiry officer, this is an inter district route having 69.7 KMs of route length, lies in kottayam and Pathanamthitta districts. Out of total 69.7 KMs of route length 62.8 KMs lies in Kottayam district and 12.1 KMs lies in Pathanamthitta district. Total distance of overlapping is 2.9 KMS and the same is within the permissible limit as per clause 5 (c) of the GO (P) 8/2017/Tran dated 23-03-2017. Hence renewal of regular permit is granted to the stage carriage KL 62 A 2571 in Naranamthodu – Pala route subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

Item No-30	J4/KL35A4833/2021/K

Heard the learned counsel appeared on behalf of the applicant. This is an application for renewal of the regular stage carriage permit in respect of the stage carriage KL 35 A 4833 on the route Kottaramattom BS Pala – Ponkunnam via Puthenpallikunnu, Civilstation, Kurisupally Jn, Old Bs, Govt Hospital jn., Kadayam, Poovarany, Paika and Koorali as ordinary service for a further period of 5 years from the date of expiry. As per the report of enquiry officer, this is an intra district route having 25.3 KMs of route length lies in kottayam district. Total distance of overlapping is 800 Meters and the same is within the permissible limit as per clause 5 (c) of the GO (P) 8/2017/Tran dated 23-03-2017. Hence renewal of regular permit is granted to the stage carriage KL 35 A 4833 in Kottaramattom BS Pala – Ponkunnam route subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

Item No.31	J6/1365/2021/K
------------	----------------

Heard the learned counsel appeared on behalf of the applicant. This is an application for renewal of the regular stage carriage permit in respect of the stage carriage KL 59 D 7567 on the route Changanacherry -Thiruvalla Via, Paippad, Chanjody, Manthanam, Kunnamthanam, Bethel, Chumathra and Kizhakkan Muthoor as ordinary service for a further period of 5 years from the date of expiry. As per the report of enquiry officer, this is an inter district route having 19.8 KMs of route length, lies in kottayam and Pathanathitta districts. Total distance of overlapping is within the permissible limit as per clause 5 (c) of the GO (P) 8/2017/Tran dated 23-03-2017. Hence renewal of regular permit is granted to the stage carriage KL 59 D 7567 in Changanacherry – Thiruvalla route subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable. Secretary is hereby instructed to ascertain the distance of route in each district and take steps to transfer the file to RTA Pathanamthitta, if the route length exceeds in the jurisdiction of RTA Pathanamthitta than this RTA.

IV- TRANSFER OF PERMIT APPLICATONS

Item No.32

J3/KL5AR4119/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No-33	J3/8067/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No-34 J3/16486/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No.35	J3/9061/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

ItemNo.36	J3/9060/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No.37 J3/KL334579/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No-38	J3/16485/2021/K
ILETTINO-38	J5/10405/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No-39

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

J3/12589/2021/K

/ KL 05 AU 7362 /2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No-42	V3/KL5Z6309/2021/K
------------	--------------------

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No. 43 J6/16493/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No. 44	J6/9963/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

ltem No.	45	J3/KL33G1269/2020/K
----------	----	---------------------

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No. 46	J4/1092/2021/K
-------------	----------------

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

ltem No. 48 V1/4240/2021/K

Heard learned counsel. Transfer of permit allowed as applied for to the successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No-49	V1/1302/2020/K
------------	----------------

Heard learned counsel. Transfer of permit allowed as applied for to the successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No.50	J5/5761/2021/K

Heard learned counsel. Transfer of permit allowed as applied for to the successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No. 51 J6/10199/2021/K

Heard learned counsel. Transfer of permit allowed as applied for to the successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No. 52	J4/139682021/K
-------------	----------------

Heard learned counsel. Transfer of permit allowed as applied for to the successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Item No. 53	J4/13969/2021/K
	3 ./ . 3 / 0 // 202 ./

Heard learned counsel. Transfer of permit allowed as applied for to the successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

J4/10983/2020/K

Heard learned counsel. Transfer of permit allowed as applied for to the successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

V-**MISCELLANEOUS – PERMIT RELATED**

ItemNo.55

No.J5/7724/2021/K

Heard learned counsel represented on behalf of the objector and permit holder. The representative of the STU also heard. Perused the

judgment of the Hon'ble High Court of Kerala in WP (C) 28227 of 2020 dated 06/08/2021. Perused the objection and other relevant records.

The argument put forwarded by the objector is that, the permit renewal application was once rejected by RTA and the same was not challenged by the permit holder and the permit became dead and invalid. Therefore she requested to take immediate steps to cancel the permit.

In the light of the above submission, all aspects in this regard were taken in to consideration. On perusal of records, it is noticed that once the application was rejected on the basis of the Scheme issued vide GO(P) 42/2009/Trans dated 14-07-2009 and subsequently renewed on the basis of the provisions contained in the Modified GO (P) 8/2017/Trans dated 23-03-2017. Since the portions of the route traversing in Kottayam – Neendoor Complete exclusion scheme, the provisions contained in the above said Orders are not applicable to this permit. During the past period, permits were issued by violating the provisions of Kottayam - Neendoor Complete exclusion scheme and this permit is one among permit violating the provisions of the above said Scheme. Even though these permits were issued in contraventions of the provisions of the nationalization, KSRTC not challenged the grant. The objector's permit is also issued and renewed in contravention to the provisions of the above said complete exclusion It is pertinent to note that the objection is filed against the scheme. renewal done on basis of the modified provisions of another scheme and not on the basis of the provisions of the complete exclusion scheme. Hence the objection is non maintainable in terms of the provisions of the Kottayam - Neendoor complete exclusion scheme and hence disposed without suggesting any further action on the basis of the above observation.

This Authority has already taken up the matter regarding the violation of the provisions of the complete exclusion scheme with Government for safeguarding the existing travelling facility and the matter is now under the consideration of Government.

Item No.56

No.J5/9969/2021/K

Heard learned counsel represented on behalf of the objector and permit holder. The representative of the STU also heard. Perused the judgment of the Hon'ble High Court of Kerala in WP (C) 10379 of 2021 dated 29/09/2021 Perused the objection and other relevant records.

The argument put forwarded by the objector is that, the permit renewal application was once rejected by RTA and the same was not challenged by the permit holder and the permit became dead and invalid. Therefore she requested to take immediate steps to cancel the permit.

In the light of the above submission, all aspects in this regard were taken in to consideration. On perusal of records, it is noticed that once the application was rejected on the basis of the Scheme issued vide GO(P) 42/2009/Trans dated 14-07-2009 and subsequently renewed on the basis of the provisions contained in the Modified GO (P) 8/2017/Trans dated 23-03-2017. Since the portions of the route traversing in Kottayam – Neendoor Complete exclusion scheme, the provisions contained in the above said Orders are not applicable to this permit. During the past period, permits were issued by violating the provisions of Kottayam – Neendoor Complete exclusion scheme and this permit is one among permit violating the provisions of the above said Scheme. Even though these permits were issued in contraventions of the provisions of the nationalization, KSRTC not challenged the grant. The objector's permit is also issued and renewed in contravention to the provisions of the above said complete exclusion scheme. It is pertinent to note that the objection is filed against the renewal done on basis of the modified provisions of another scheme and not on the basis of the provisions of the complete exclusion scheme. Hence the objection is non maintainable in terms of the provisions of the Kottayam - Neendoor complete exclusion scheme and hence disposed without suggesting any further action on the basis of the above observation.

This Authority has already taken up the matter regarding the violation of the provisions of the complete exclusion scheme with Government for safeguarding the existing travelling facility and the matter is now under the consideration of Government.

Item No.57	No.V1/1531/2021/K
ILETTINO.57	INU.V I/ I 55 I/ ZUZ I/ N

Heard learned counsel represented on behalf of the objector and permit holder. The representative of the STU also heard. Perused the judgment of the Hon'ble High Court of Kerala in WP (C) 16725 of 2020 dated 08-04-2021. Perused the objection and other relevant records.

The argument put forwarded by the objector is that, the permit renewal application was once rejected by RTA and the same was not challenged by the permit holder and the permit became dead and invalid. Therefore she requested to take immediate steps to cancel the permit.

In the light of the above submission, all aspects in this regard were taken in to consideration. On perusal of records, it is noticed that once the application was rejected on the basis of the Scheme issued vide GO(P) 42/2009/Trans dated 14-07-2009 and subsequently renewed on the basis of the provisions contained in the Modified GO (P) 8/2017/Trans dated 23-03-2017. Since the portions of the route traversing in Kottayam – Neendoor Complete Exclusion Scheme, the provisions contained in the above said Orders are not applicable to this permit. During the past period, permits were issued by violating the provisions of Kottayam - Neendoor Complete Exclusion Scheme and this permit is one among permit violating the provisions of the above said Scheme. Even though these permits were issued in contraventions of the provisions of the nationalization scheme, KSRTC not challenged the grant. The objector's permit is also issued and renewed in contravention to the provisions of the above said complete exclusion scheme. It is pertinent to note that the objection is filed against the renewal done on basis of the modified provisions of another scheme and not on the basis of the provisions of the complete exclusion scheme. Hence the objection is non maintainable in terms of the provisions of the Kottayam - Neendoor complete exclusion scheme and hence disposed without suggesting any further action on the basis of the above observation.

This Authority has already taken up the matter regarding the violation of the provisions of the complete exclusion scheme with Government for safeguarding the existing travelling facility and the matter is now under the consideration of Government.

Item No. 58	No.V2/6836/2020/K

Heard learned counsel represented on behalf of the objector and permit holder. The representative of the STU also heard. Perused the judgment of the Hon'ble High Court of Kerala in WP (C) 10757 of 2021 dated 31-05-2021. Perused the objection and other relevant records.

The argument put forwarded by the objector is that, the permit renewal application in respect of the stage carriage KL 05 V 3747 was once rejected by RTA and the same was not challenged by the permit holder and the permit became dead and invalid. Therefore she requested to take immediate steps to cancel the permit. In the light of the above submission, all aspects in this regard were taken in to consideration. On perusal of records, it is found that the permit renewal application was once rejected during the 2016 on the basis of the then prevailing provisions of the scheme issued vide GO (P) 42/2009 Trans dated 14-07-2009 and subsequently renewed owing to the modification promulgated vide GO (P) 8/2017/Trans dated 23-03-2017. Even though the permit renewal application was rejected, RTA allowed the continued operation of the service till KSRTC resumes the service as per the provisions contained in the GO. Here there is no report regarding the takeover of the service by the STU and hence subsequent renewal was granted on the basis of modified provisions of the scheme.

Hence this Authority observed that, the objection in this regard is not maintainable in terms of the modified provisions of the scheme contained in GO (P) 8/2017/Trans dated 23-03-2017and decided to dispose the objection without any further action since the permit holder is performed continued operation as per the decision of this Authority.

Item No. 59	V3/15137/2021/K

Surrender accepted

Item No. 60

V3/KL35J5174/2021/K

Surrender accepted

Item No. 61

V3/8699/2021/K

Surrender accepted

Item No. 62

C2/21644/2014/K

Heard the representative of the permit holder and submitted that Hon'ble High Court of Kerala vide Judgment in WP (C)26319 of 2021 dated 23-11-2021 deferred all further actions in this regard and requested to adjourn the item. Perused the Order and on the basis of the above Order the item is adjourned.

Item No- 63	J1/6985/2019/K

Heard. All aspects were taken into consideration and decided to refer the matter to the consideration of the Muncipal Level Traffic Regulatory Committee in Kottayam for appropriate action as per Rules.

Item No.64	J1/E54367/2021/K
	- / / - /

Perused the request and stop for LSOS services at railway station Junction in Athirampuzha road is sanctioned on public interest on the basis of the request of District Panchayat Member.

VII- MISCELLANEOUS - AUTO RIKSHAW PERMIT MATTERS

Delay condoned and renewal of permit granted by realizing compounding fee.

Item No. 66

C3/1413/2021/KV

Secretary is hereby instructed to dispose the application after conducting a detailed enquiry in this regard in accordance with the Judgment passed by the Hon'ble High Court regarding parking place.

Item No: 67

C1/5623/2020/KV

Heard and perused the Judgment of the Hon'ble High Court of Kerala in WP(C) No :1369/2021(u) dated 23/03/2021. The variation of conditions of permit is granted as applied by the permit holder.

Item No: 68

V11/6451/2020/K

Secretary is here instructed to dispose the application as per Rules, after verifying the service of the vehicle following the demise of the permit holder and also after ascertaining the present possession of the vehicle. On the basis of the consideration of the above permit related applications pertaining to autorikshaws, this Authority observed that the present practice of referring the application to the consideration of this Authority, give rise to much delay in disposing the application. Hence Power is delegated to the Secretary RTA for disposing all permit related applications submitting under sections 73 and 74 of the MV Act.

Item No.69

Item No.70

Any other item permitted by the Hon'ble Chairperson, RTA, Kottayam

Item No.71

Ratified.

Item No.72

Will be fixed later

MINUTES OF SUPPLEMENTARY AGENDA

*****		<u>CONCURRENCE</u>
Supplementary Item No.1	****	J1/EM1298/2021/K ************************************

Heard and perused the relevant documents and enquiry report of the field officer. As per order No. D2/10389/STA/2014 dated 14-06-2017 of STA, order of concurrence of sister RTAs need not be insisted for renewing the permits issued after following the procedure prescribed in Rule 171 of KMV Rules. In the light of the above order, the request for concurrence for renewing the permit is remanded to the primary authority for necessary further action.

Supplementary Item No.2 J1/EM1302/2021/		

Heard and perused the relevant documents and enquiry report of the field officer. As per order No. D2/10389/STA/2014 dated 14-06-2017 of

STA, order of concurrence of sister RTAs need not be insisted for renewing the permits issued after following the procedure prescribed in Rule 171 of KMV Rules. In the light of the above order, the request for concurrence for renewing the permit is remanded to the primary authority for necessary further action.

Supplementary Item No. 3	J1/EM1300/2021/K

Heard and perused the relevant documents and enquiry report of the field officer. As per order No. D2/10389/STA/2014 dated 14-06-2017 of STA, order of concurrence of sister RTAs need not be insisted for renewing the permits issued after following the procedure prescribed in Rule 171 of KMV Rules. In the light of the above order, the request for concurrence for renewing the permit is remanded to the primary authority for necessary further action.

Heard and perused the relevant documents and enquiry report of the field officer. As per order No. D2/10389/STA/2014 dated 14-06-2017 of STA, order of concurrence of sister RTAs need not be insisted for renewing the permits issued after following the procedure prescribed in Rule 171 of KMV Rules. In the light of the above order, the request for concurrence for renewing the permit is remanded to the primary authority for necessary further action.

Supplementary Item No.5	J1/EM1301/2021/K	
****************************	******	

1. Heard and perused the relevant documents and enquiry report of the field officer. As per order No. D2/10389/STA/2014 dated 14-06-2017 of STA, order of concurrence of sister RTAs need not be insisted for renewing the permits issued after following the procedure prescribed in Rule 171 of KMV Rules. In the light of the above order, the request for concurrence for renewing the permit is remanded to the primary authority for necessary further action.

2. With regard to the application for variations of conditions of permit for curtailing the portion of route from Medical College to Kottayam, the enquiry officer reported that if the curtailment is allowed the passengers from Idukki district will not have any direct access to Kottayam town. As per the enquiry report of the filed officer, the proposed curtailment is against the interest of the travelling public depending the service of the vehicle for their travelling needs. Therefore the request for concurrence for variations of conditions of permit for curtailing the portions of route from Medical College to Kottayam in respect of stage carriage KL 06 J 1525 on the route Nedumkanadm – Kottayam is rejected.

II- PERMIT VARIATION

Supplementary Item No.	6 *****	V1/5574/2020/K		

Heard the learned counsel appeared for the applicant. Perused the Judgment of the Hon'ble High Court of Kerala in WP (C) 25497 of 2021 dated 17-11-2021. On perusal of records and enquiry report, it is noticed that the portions of proposed curtailment route from Kottayam to Medical College by a distance of 8 KMs lies in Kottayam – Neendoor complete exclusion scheme. The proposed variation application is meant for excluding the portions of route lies in Kottayam – Neendoor complete exclusion scheme.

Hence variations of conditions of permit in respect of stage carriage KL 05 AV 1564 on the proposed variation route Kottayam – Changanassery via Kanjikuzhi, Puthuppally, Kaithapalam, Njaliyakuzhi & Thengana as ordinary service is granted subject to the awaiting Government decision in this regard and settlement of timings as per Order No. D3/2813/STA/2013 dated 21-04-2018 of the STA.

2. Secretary is instructed to dispose the application for renewal of permit after endorsing the variations of conditions of permit in accordance with Law.

*******	*****
Supplementary Item No.7	J4/21562/2021/K

Heard the learned counsel appeared for the applicant. Perused the records and enquiry report of the field officer. The proposed variation is sought for operating the service through the ill served areas. Hence variations of conditions of permit in respect of stage carriage KL 34 D 2709 on the proposed variation route Pala – Ponkunnam via Kottaramattom Bs, Vaikom Road, R V Jn. Lalam Pally, Kurisupally, Pala, Poovarani, Paika, Urilikunnam, Chengalam and Koorali (by deviating the portion of route between Pala and Kottaramattom) as ordinary service is granted subject to settlement of timings as per Order No. D3/2813/STA/2013 dated 21-04-2018 of the STA.

III- PERMIT RENEWAL

Heard the learned counsel appeared on behalf of the applicant. This is an application for renewal of the regular stage carriage permit in respect of the stage carriage KL-06-C-4464 on the route route Manimala-Pala Kottaramattam via Pazhayidom, Cheruvally Temple, Thekkethukavala, Ponkunnam, Koorali and Poovarani as ordinary service for a further period of 5 years from the date of expiry. As per the report of enquiry officer, this is an intra district route having 39.1 KMs of route length. Total distance of overlapping is 1.8 KMs and the same is within the permissible limit as per clause 5 (c) of the GO (P) 8/2017/Tran dated 23-03-2017. Hence renewal of regular permit is granted to the stage carriage KL-06-C-4464 in Manimala-Pala Kottaramattam route subject to the clearance of Govt. dues and production of No-Objection Certificate from the financier, if applicable.

Heard the counsel for the applicant and perused the Judgment of the Hon'ble High Court of Kerala in WP (C) 25587 of 2021 dated 17-11-2021. By considering the application for variations of conditions of permit, this

Authority granted variation of conditions of permit as applied for subject to the awaiting Government decision in this regard. Following the grant of variations of conditions of permit, secretary is entrusted to dispose the permit renewal application as per Law in the varied route after endorsing the variations of conditions of permit.

IV- PERMIT TRANSFER

*****	*****	*****
Supplementary Item No- 10		/3026/2021/K
Heard learned counsel. the successor subject to the p financier, if applicable and cle	5	rtificate from the
*****	* * * * * * * * * * * * * * * * * * * *	****
Supplementary Item No.11		4/18721/2021/K
Heard learned counsel. subject to the production of r applicable and clearance of a	5	
*****	* * * * * * * * * * * * * * * * * * * *	*****
Supplementary Item No. 12	- * * * * * * * * * * * * * * * * * * *	J4/19460/2021/K
Heard learned counsel. to the production of no object and clearance of all Governm		

Supplementary Item No.13	V1/20707/2021/K	
***************************************	******	

Heard learned counsel. Transfer of permit allowed as applied for to the successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Heard learned counsel. Transfer of permit allowed as applied for successor subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.

Supplementary Item No .16 J5/3367/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any.-

Supplementary Item No.17 J3/5907/2021/K

Heard. There were objections against the proposed transfer and the counsel requested not to entertain application. In the light of the above submission the application for transfer of permit in respect of stage carriage KL 59 D 2007 on the route Kottayam- Maramon is rejected.

Supplementary Item No.18 J6/7391/2021/K

Heard learned counsel. Transfer of permit allowed as applied for subject to the production of no objection certificate from the financier, if applicable and clearance of all Government dues, if any. Heard the counsel for the permit holder and representatives of affected parties. The counsel for the permit holder has submitted that the Hon'ble STAT has stayed order of the RTA and submitted copy of Order of Hon'ble STAT in MP No. 287 /2021 in MVAA No. 77/2020 dated 23-09-2021. On perusal of the Order, it noted that the Hon'ble STAT has stayed the order of the RTA for a period of three months from 23-09-2021 and directed the petitioner to operate the service on the entire route.

On perusal of the enquiry report furnished by the MVI, Kanjirappally, it is noticed that the permit holder is willfully and deliberately disobeyed the Order of the Hon'ble STAT as well as this Authority regarding the operation of service in entire route. The strict order issued by this Authority in the last meeting is also breached by the permitted holder. Therefore, it is decided to go ahead with the cancellation of regular permit in respect of the stage carriage KL 07 CE 4122 following the deliberate, purposeful and repeated breach of Order committed by the permit holder.

The Hon'ble STAT has stayed the proceedings related to permit suspension and the willful negligence of statutory orders and its successive breach amounts to the initiation of cancellation proceedings.

Therefore, Secretary is hereby instructed to issue show cause notice to the permit holder of the stage carriage KL 07 CE 4122 for cancelling the permit calling for explanation and submit for further consideration in the next meeting. Hence adjourned.

Sd/ Deputy Transport Commissioner Central Zone – II, Ernakulam Member, RTA, Kottayam Sd/-District Collector, Kottayam Chairperson, RTA, Kottayam