

**DECISIONS OF THE MEETING OF REGIONAL TRANSPORT AUTHORITY,
PALAKKAD HELD ON 27.06.2023 AT 11.00 AM AT DISTRICT
COLLECTORATE CONFERENCE HALL, PALAKKAD**

Present:

Chairman : Dr.S.Chithra IAS
District Collector &
Chairman-Regional Transport Authority,
Palakkad.

Member : Sri.M.P.James,
Deputy Transport Commissioner,
Central Zone-1, Thrissur &
Member-Regional Transport Authority,
Palakkad.

DECISIONS OF REGIONAL TRANSPORT AUTHORITY,
PALAKKAD DATED 27.06.2023

Item No.01

Heard. This is an application for fresh regular stage carriage permit on the intra-district route Agali-Paravalavu. It was earlier considered by the RTA dt. 18.03.2023 in item no.03, but the decision was adjourned on the ground that the applicant failed to furnish the mandatory particulars of the proposed vehicle as specified in Section 70(1)(b) such as type of vehicle, seating capacity and maximum laden weight etc in form P.St.S.A .

On submission of the duly filled in application by the applicant as directed in the above decision of RTA, the matter was enquired through JRTO, Mannarkkad. It is revealed certain portion of the proposed route covers remote areas of Attapady Tribal Taluk. and the trips towards Narasimukku, Mundanpara, Odapetty and Paravalavu from Agali are highly beneficial to the travelling public as well as the students since these areas are not well served with sufficient stage carriage services . Also, proposed route does not overlap with notified route and covers no virgin portion.

Hence, **fresh regular stage carriage permit is granted** subject to settlement of timings & remittance of application fee if not paid and production of current records of a suitable stage carriage within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.

Item No.02

Heard. This is to reconsider the application for fresh regular stage carriage permit to operate on the intra-district route Koduvayur-Chittur. This application was first placed in the RTA meeting held on 11.11.2022 in item no.08. But, the decision was adjourned citing that the applicant failed to furnish the mandatory particulars of the proposed vehicle as specified in Section 70(1)(b) such as type of vehicle, seating capacity and maximum laden weight etc in form P.St.S.A and the route sketch submitted by the enquiry officer was not clear in specifically marking the portion/ distance of overlapping with notified route.

In compliance with above decision of RTA, the applicant filed a fresh application providing the requisite details and a fresh route enquiry report was also submitted by the field officer.

Then, the matter was considered in the RTA meeting held on 18.03.2023 in item no.4 and the decision was adjourned on finding that the number of trips proposed by the applicant in the ill served area Koduvayur-Thrippalur was nominal, as compared to the well served sector Koduvayur- Chittur and the applicant was directed to submit a modified set of timing proposal , providing more reasonable number of trips to Thrippalur.

On receipt of modified proposal from the applicant, an enquiry has been conducted through JRTO, Chittur regarding its feasibility and the field officer's enquiry report dt 15.06.2023 reveals that (i) newly proposed trips to Trippalur in early hours prior to 6.20 am and in the late night hours after 8.30 pm are not intended for conducting the service (ii) The working hours of the driver and conductor have been extended to fourteen hours , violating section 91 of MV Act, 1988 (iii) The primary preference of the applicant is to conduct service on the well served sectors between Koduvayur, Chittur and Vandithavalam. This may lead to severe and undesirable competition among the fellow operators and may result in traffic congestion and accidents, jeopardising the safety and convenience of the general public.

For the above reasons, the above **application for fresh permit is rejected**

Item No.03

Heard. This is an application for fresh regular stage carriage permit on the intra-district route Kozhinjampara-Palakkad SBS touching Mannukkad Ayyappankavu. On perusal of the records, it is seen that form P.St.S.A submitted for grant of stage carriage permit is not containing the mandatory particulars of the proposed vehicle as specified in Section 70(1)(b) such as type of vehicle, seating capacity and maximum laden weight etc. Also, The field officer has reported that the virgin portion Chuttippara to Mannukkad Ayyappankavu includes a narrow bridge of width 370 cm.

Hence, applicant is directed to submit a fresh application mentioning all the above relevant details and a report may be obtained from the concerned road authorities on whether the bridge is suitable for stage carriage operation. On submission of the duly filled in application by the applicant, fresh enquiry shall be conducted and a detailed report shall be placed before this authority for re-consideration. For the compliance of the above, **decision on the application for fresh regular stage carriage permit is adjourned.**

Item No.04

Heard. This is to reconsider the application for fresh regular stage carriage permit to operate on the intra-district route Chittur Civil Station –Nemmara. This application was placed in the last RTA meeting held on 18.03.2023 in item no. 8 and the decision was adjourned by directing the applicant to submit a set of proposed timings mentioning major intermediate points with passing timings. On perusal of the modified proposal of timings filed by the applicant and the enquiry report submitted by the field officer, SRTO, Chittur to ascertain the suitability of the newly proposed time schedule, it is understood that the working hours of the driver and the crew are more than twelve hours, which violates section 91 of MV Act,1988 and the sector Chittur Civil Station to Koduvayur is well served with a frequency of stage carriage services at a time gap of 5-10 minutes, which may cause unhealthy competition among en route operators and may result in traffic congestion and accidents. Also, settling timings amicably, avoiding time clashes with existing operators will be an extremely difficult task. For the above reasons including the road safety aspect, the above **application for fresh permit is rejected**

Item No.05

Heard. This is an application for fresh regular stage carriage permit on the intra-district route Sholayur—Kottiyurkandi. The report of the field officer of SRTO, Mannarkkad reveals that the route portion of 3km from Paloor to Kottiyorkkandi is virgin. But the fare stage to be fixed on the virgin portion is not seen

specifically reported by the field officer. Also, the class of stage carriage suitable for operation on the virgin portion is not reported. Hence, the JRTO, Mannarkkad is directed to furnish a specific report on the above aspects. For the compliance of the above, **decision on the application for fresh regular stage carriage permit is adjourned.**

Item No.06

Heard. This is to reconsider the application for fresh regular stage carriage permit to operate on the intra-district route Thekkekunnu-Pattambi .This application was placed in the RTA meeting held on 18.03.2023 in item no.13 and the decision was adjourned for furnishing an enquiry report specifying all the intermediate points on the sketch of the portion of the route overlapping with notified scheme along with direction to all other main routes and the frequency of services in all sectors and the applicant was directed to submit a modified timing proposal limiting the running hours since it was more than 14 hrs .

The enquiry report of the field officer as well as the modified proposal is perused and it is revealed the running hours of the service is seen extended to 15.50 hrs , violating section 91 of MV Act,1988 and the major sector of proposed service is on Pallippuram- Thrithala-Pattambi via V.K. Kadavu area, which is well served and further introduction of stage carriages on the proposed route may cause unhealthy competition among en route operators leading to accidents. Besides, an amicable settlement of timings will be very difficult. Hence, taking into account the road safety concerns, the above **application for fresh permit is rejected**

Item No.07

Applicant is absent while the matter is considered. Hence, **decision on the application for fresh regular stage carriage permit is adjourned.** Secretary shall place the application in the next meeting of RTA with due notice to the applicant, indicating the date, time and venue of the meeting.

Item No.08

Heard. This application was earlier considered in the RTA, meeting held on 18.03.2023 in item no. 15 and the decision was adjourned by directing the applicant to submit a modified timing proposal providing even number of trips to all the places mentioned in the time table and specifying the 'via' in every trip. The enquiry report of the field officer on the modified timing proposal of the applicant reveals that :-

(i) the applicant has submitted exactly the same timings with exactly the same number of trips mentioned in the previous proposal of timings with only change that 'via' has been specifically mentioned.

(ii) Still the major area of operation is between Nemmara and Karimpara, which is a well served area and there is only nominal trips to the ill served area. The intention of the applicant is to conduct broken trips on the well served route between Nemmara and Karimpara.

(iii) There is a tribal colony near Nellichode and the increase in the number of trips will be beneficial to the poor tribal people. But, as per the proposed time schedule, the applicant intends to conduct only one trip to Nellichode, reaching at 5.33 pm , other than starting and halting trip.

(iv) The service will be beneficial to the travelling public , students and tribal people, only if the applicant is willing to propose and conduct full round trips between all places mentioned in the time table or even number of trips to all places mentioned in the time schedule as directed by the RTA. But the applicant did not abide by the direction of RTA.

For the above reasons, the above **application for fresh permit is rejected.**

Item No.09

Heard .This application was considered in the last RTA meeting held on 18.03.2023 in item no. 17 and the decision was adjourned citing that it was unclear from the proposal, where exactly at Koduvayur the service would start and end the trip. Similarly, it was not specified where the trips would terminate at Kuzhalmannam. Moreover, the enquiry officer of SRTO, Chittur did not mention about the overlapping at Kuzhalmannam Jn. Hence, applicant was directed to submit fresh application rectifying the above defects .

The route enquiry report of the field officer on the modified application of the applicant reveals that (i) the proposed broken trips between Chittur and Koduvayur, which is already well served route ,will definitely cause time clash and will result in unhealthy competition with en route operators and shall not be permitted and only if the applicant is willing to propose and conduct full round trips between Kuttipallam and Kuzhalmannam, the proposal will be beneficial to the travelling public and students in the sector.(ii) There is no bus stand or parking place owned or maintained by the Panchayath or any Public Authority either at Kuttipallam or at Kuzhalmannam. The applicant intends to park the vehicle on the side of the public road , when halting at Kuttipallam, which is not advisable in the aspect of road safety. At Kuzhalmannam (one of the termini), the applicant plans to park the vehicle on the side of the public road near Chanthapura Jn, which is a busy junction and it is not advisable considering road safety since it will definitely cause inconvenience to the public and other road users. (iii) The proposed route while travelling from Koduvayur side to Kuzhalmannam Chanthapura, which is about 200 metres from NH 544 at Kuzhalmannam jn, cuts across the notified scheme Ernakulam-Palakkad of width 17.5 metres at Kuzhalmannam Jn .

Though there is no objectionable overlapping with any notified routes, for the reasons stated above in (i)&(ii), the **application for fresh permit is rejected.**

Item No.10

Heard. This is to consider the application for fresh regular stage carriage permit to operate on the inter-district route Padinjarangadi—Edappal. The places Padinjarangadi and Edappal are lying on the notified route Kozhikkode -Guruvayur via Kuttippuram. But the field officer's report has not mentioned about the overlapping at these places. It is also not reported where exactly the trips are terminated at Padinjarangadi and Edappal. It is reported that there are no bus services between the important towns of Padinjarangadi and Edappal (via) Koonanmoochi, Kuttippala and Naduvattam. But, only nominal trips are seen provided to Padinjarangadi sector. Hence, the secretary, RTA is directed to obtain a specific report on the above aspects, verifying if the number of trips provided on Padinjarangadi sector is adequate enough to cater to the travelling needs of general public. For the compliance of the above, **decision on the application for fresh regular stage carriage permit is adjourned.**

Item No.11

Heard. This is to consider the application for fresh regular stage carriage permit to operate on the inter-district route Chittur Civil Station—Pazhayannur. The route enquiry officer of SRTTO, Chittur has reported that out of the total route length of 41 kms, there is an overlapping of 1.2 km only from Alathur to Thrippalur on the notified scheme Ernakulam-Palakkad. But there are objections in the meeting from en route operators alleging that the overlapping distance mentioned is not correct.

It is also reported that the proposed route traverses for a distance of 4 Km in Thrissur district, out of total route length of 41 km. So prior concurrence from sister RTA is required for consideration of the application.

Hence, Secretary is directed to obtain **(i) prior concurrence from RTA Thrissur** with specific mention about the intermediate points on the route and the exact distance of overlapping with notified route in the jurisdiction of RTA Thrissur (ii) directed to verify veracity of the allegation that the overlapping

distance reported is not correct and furnish a specific report on the actual distance of overlapping on the proposed route

For compliance of the above, **decision on the application for fresh permit is adjourned.**

Item No.12

Heard. This is to consider the application for fresh regular stage carriage permit to operate on the intra-district route Palliyara- Goolikkadavu. On examination of the proposed timings, only nominal number of trips are seen provided to Palliyara and Kozhikkoodam . Hence, the field officer is required to verify and report the feasibility of the timing proposal emphasizing if the number of trips provided on Palliyara and Kozhikkoodam area is adequate enough to meet the travel needs of the general public as well as the feasibility of the parking at Kozhikkoodam and Panamaravayal. For the compliance of the above, **decision on the application for fresh regular stage carriage permit is adjourned.**

Item No.13

Heard. This is to consider the application for fresh regular stage carriage permit to operate on the intra-district route Thekkupana --Kuravanpadi . The route enquiry report dated 03.06.2023 by the field officer of SRT0, Mannarkkad reveals that proposed route does not overlap with notified routes and the route portion of 2.5km from Paloor to Thekkupana is virgin and as per the report dt. 03.05.2023 from Asst. Engineer, LID & EW, Pudur G.P, the above portion is fit for vehicular operation. It's also reported that (i) portion of the proposed route from Thekkuvatta to Thekkupana (via) Paloor and Chittoor to Kuravanpadi covers remote areas of Attapady Tribal Taluk and the trips from Thekkupana, Thavalam and Kottathara to Pudur are highly beneficial to the travelling public as well as the students since these areas are ill served (ii) The recently inaugurated Pudur Police station is on the route Thavalam-Cheerankadavu-Pudur-Kottathara and there is no

stage carriage service at present and this proposed route will be useful for the public coming to the police station for various needs. The representations from the president, Pudur, G.P and the Station House Officer, Pudur Police Station for sanctioning the permit on this route and the request from the district police chief in this regard were perused.

Hence, **fresh regular stage carriage permit is granted fixing a fare stage at Thekkupana**, subject to settlement of timings & remittance of application fee if not paid and production of current records of a suitable stage carriage within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.

Item No.14

Heard. This is to consider the application for fresh regular stage carriage permit to operate on the intra-district route Pazhambalakkode--Palakkad SBS . The route enquiry report of the MVI, SRTO, Alathur reveals the following:

- (i) Overlapping in the proposed route is not objectionable
- (ii) Most of the trips are proposed on the well served sector Kottayi-Palakkad, while nominal trips are provided in the less served sectors of Kottayi-Peruvala & Pazhambalakkode-Naduavathupara - Kottayi.
- (iii) The proposed time schedule may result in unhealthy competition among the fellow operators.
- (iv) Since the major portion of the proposed route is well served, there is no urgency for consideration of this application for fresh permit .

Though there is no objectionable overlapping with any notified routes, for the reasons stated above in (ii) to (iv), the **application for fresh permit is rejected.**

Item No.15

Heard. This is to consider the application for fresh regular stage carriage permit to operate on the intra-district route

Panamaravayal- Kozhikkoodam-Sholayur. The route enquiry report of the field officer reveals that there is no stage carriage service on sector Sholayur-Kozhikkoodam . But on the timing proposal , it is seen that only one passing trip is provided in this sector. Hence, the field officer is required to verify and report the feasibility of the timing proposal emphasizing if the number of trips provided on Sholayur-Kozhikkoodam sector is adequate enough to meet the travel needs of the general public as well as the feasibility of the parking at Kozhikkoodam and Panamaravayal. For the compliance of the above, **decision on the application for fresh regular stage carriage permit is adjourned.**

Item No.16

Heard. This is to consider the application for fresh regular stage carriage permit to operate on the intra-district route (1)Cherapatta-Kongad (2) Kongad—Planthottam (3) Kongad-Pathiripala (4) Kongad—Kalladikkode TB . A scrutiny of the timing proposal reveals that only a minimal number of trips are proposed towards Cherapatta and Attakkad . The field officer is required to verify and report the feasibility of the timing proposal checking whether reasonable number of trips are provided towards Cherapatta and Attakkad sector so that the travelling needs of the general public could be met and the feasibility of parking at Planthottam and Attakkad as well . For the compliance of the above, **decision on the application for fresh regular stage carriage permit is adjourned.**

Item No.17

Heard. This is a request from the secretary RTA, Malappuram for concurrence for considering the application for fresh stage carriage permit to operate on the inter district route Valanchery-Valanchery as ordinary service. The matter has been enquired through MVI, Pattambi and it is reported that a distance of 9.5 Kms from Thiruvegappura Bridge to Anchumoola

via Thiruvegappura Checkpost, Chembra Vayanasala, Chembra Alinchuvadu touching Veluthur and Karamputhur, is lying in Palakkad district and there is no virgin or notified area, in this portion.

Hence, the request for **concurrence for fresh permit is granted**, subject to stipulations in the Notification G.O(P) No.13/2023/Trans dt 03.05.2023 of Government of Kerala without prejudice to the right of primary authority to take decision on the application for fresh regular permit as per any other prevailing rules & regulations.

Item No.18

Heard. In the meeting of Regional Transport Authority, Palakkad held on 18.03.2023, in item No.01, a fresh regular stage carriage permit was granted to the applicant on the intra-district route Chemmanampathy-Palakkad Stadium Bus Stand . Though the decision of grant of permit was communicated to the applicant on 11.05.2023 with direction to produce current records of a suitable stage carriage within one month, the grantee failed to produce the same within the prescribed time. Now, considering the request dated 05.06.2023 filed by the grantee, **maximum time of four months in aggregate is allowed under rule 159(2) of KMV Rules, 1989 from 11.05.2023 up to 10.09.2023** to produce the current records of suitable stage carriage, failing which grant of permit will be treated as revoked.

Item No.19

Heard. Perused the request of the applicant . On an examination of the connected records, the following facts are revealed : (i) as per the decision of Regional Transport Authority, Palakkad in the meeting held on 08.06.2022 in item No.04, a fresh regular stage carriage permit had been granted to the applicant, subject to settlement of timings and production of current records of a suitable stage carriage within one month from the date of communication of the decision, with the condition that the grant of

permit would be revoked, if the grantee failed to do so. (ii) The above decision was communicated to the applicant on 25.07.2022. (iii) Subsequently, on 24.08.2022 , the grantee produced the records of the stage carriage KL-10-S-6868 for availing the permit. (iv) But on verification , it was found that the records of the above vehicle were not current. (v) While so, the grantee produced records of another stage carriage KL-02-Z-7333, belatedly on 30.12.2022 to avail the granted fresh permit. (iv) Later, on 15.06.2023, the applicant filed a request to consider the records of newly submitted vehicle for conducting timing conference and issuing the permit.

The maximum permissible period of four months to produce the current records of a suitable vehicle, as per rule 159(2) of KMV Rules, 1989, was already expired on 24.11.2022. Hence **the request of the applicant is rejected and the grant of permit stands revoked.**

Item No.20

Heard. Perused the request of the applicant . On verification of the connected records, the following facts are revealed :(i) As per the decision of Regional Transport Authority, Palakkad in the meeting held on 08.06.2022 in item No.05, a fresh regular stage carriage permit had been granted to the applicant, subject to settlement of timings and production of current records of a suitable stage carriage within one month from the date of communication of the decision, on the condition that the grant of permit would be revoked, if the grantee failed to do so. (ii) The above decision was communicated to the applicant on 25.07.2022. (iii) Subsequently, a maximum permissible period of four months as per rule 159(2) of KMV Rules, 1989, was allowed up to 24.11.2022 by the RTA in its meeting dt 11.11.2022 in item no.14, considering the request dt. 19.08.2022 filed by the applicant. (iv) On 21.03.2023, the applicant produced belatedly the records of the stage carriage KL-09-AQ-4996, to avail the granted fresh permit.

Obviously, the applicant has failed to produce the current records of a suitable vehicle within the maximum permissible period of four months (expired on 24.11.2022), allowed as per rule 159(2) of KMV Rules, 1989. Hence **the request of the applicant is rejected and the grant of permit stands revoked.**

Item No.21

Heard. This is an application for variation of conditions of permit in respect of stage carriage KL-49-K-0200 authorised to operate on the intra-district route Palakkad-Alathur on the strength of regular permit 9/434/2003 valid up to 04.06.2028. The proposed variation includes “change of halting place from Kuthanur to Kuzhalmannam”.

The route enquiry report submitted by the field officer, SRTO, Alathur is perused and it is revealed that the proposed variation is beneficial to the travelling public and the last trip to Kuzhalmannam is convenient for passengers to reach the national highway and no change in existing timings except the starting and halting timings. Hence, the **variation is granted subject to settlement of timings at Kuzhalmannam for starting and halting only without changing any other timings** & remittance of application fee if not paid.

Item No.22

Heard. This is an application for variation of conditions of permit in respect of stage carriage KL-52-C-0387 authorised to operate on the inter-district route Cherpulassery- Valanchery on the strength of regular permit 9/1030/2001 valid up to 12-Jul-2024. When going through, the route enquiry report of the field officer, SRTO, Pattambi, the following shortcomings are noted :-(i) Deviation from Koppam to Pengattiri is wrongly reported as an extension.(ii) Effect of curtailment as compared to variation is not reported (iii) Route length after variation is not mentioned (iv) Overlapping with any notified scheme on the proposed deviation is not specifically reported. Hence, **the secretary, RTA is directed to look into the matter and obtain a specific report clarifying these**

aspects and place before the RTA for re consideration. Hence, **the decision on the above application is adjourned.**

Item No.23

Heard. This is an application for variation of conditions of permit in respect of stage carriage KL-11-T-0622 authorised to operate on the intra-district route Poonchola-Kacheriparambu on the strength of regular permit 9/625/2004 valid up to 11-Jul-2024. This authority examined the application, the connected records & the agenda .But, the following deficiencies are identified :- (i) Existing timings shown in the agenda are not matching with the present route and the proposed timings also contain certain discrepancies (ii) the route enquiry report of the field officer is inconsistent with the applied variation (iii) the place where fare stage to be fixed on the virgin portion is not reported by the field officer.

Hence, the secretary, RTA is directed to go through the above points and present a fresh enquiry report that clarifies the aspects pointed out from (i) to (iii) with necessary rectifications in the agenda before this authority for reconsideration of the matter. Hence, **the decision on the above application is adjourned.**

Item No.24

Heard. This is an application for variation of conditions of permit in respect of stage carriage KL-09-M-1166 authorised to operate on the intra-district route K.T. Padi- Ottapalam on the strength of regular permit 9/3055/2013 valid up to 27-11-2023. On perusal of the route enquiry report of the field officer, it is clear that the virgin portion from Pathankulam to Schoolpadi on the proposed extension is narrow, having a varying width of 2.5 m to 3.4 m only, which is not wide enough for the safe passage of two stage carriages running in opposite directions at the same time and unsuitable for stage carriage operation, considering the road safety aspect.

Hence, taking into account the safety of the travelling public and other road users, **the above application for variation of permit is rejected.**

Item No.25

Heard. This is to reconsider the application for variation of permit in respect of stage carriage KL-52-N-1505 authorised to operate on the inter-district route Kumbidi—Kozhikkara on the strength of regular permit 9/647/2002 valid up to 17.05.2027. The proposed variation is an extension from Kozhikkara to Kumaranellur via Kanjirathani and Amettikkara (6 Kms). This was considered in the RTA meeting held on 18.03.2023 in item no.27 and the decision was adjourned with direction to the (i) applicant to furnish a modified time-schedule retaining the existing timings as far as possible with only changes necessary to accommodate the trips on the proposed extension and (ii) direction to the secretary RTA to verify the feasibility of the newly proposed timings through the field officer along with the present frequency of stage carriages from changaramkulam to Kumaranellur.

The modified proposal of timings as well as route enquiry report of the field officer is perused. It is revealed that (i) the proposed extension is through the ill served, interior areas of Kanjirathani & Kumaranellur, wherein the present frequency of stage carriage service is sixty minutes and hence (ii) it is beneficial to the travelling public and students and (iii) there is no violation of notification no. G.O(P) No.13/2023/Tran dt. 03.05.2023 and (iv) any change in the existing timings may lead to unhealthy competition between the fellow operators.

Hence, the **variation is granted subject to settlement of timings on the proposed extension portion only without changing the existing timings** & remittance of application fee if not paid.

Item No.26

Heard. This is an application for variation of permit in respect of stage carriage KL-50-C-2233 authorised to operate on the intra-district route Anakkatty--Paloor on the strength of regular

permit 9/662/2005 valid up to 05.01.2025. The proposed variation includes “ an extension of 3 km from Paloor to Thekkupana.

On perusal of the timing proposal and the route enquiry report of the MVI, Mannarkkad , it is seen that ,as per the existing timing schedule, the service after reaching Paloor at 12.55 pm from Anakkatty, departs at 1.05 pm towards Anakkatty after a gap of ten minutes, while in the proposal the service passes Paloor at 12.55 pm and reaches back there at 1.13 pm from Thekkupana and passes towards Anakkatty reaching there at 2.33 pm, as against the existing arrival time of 2.25 pm at Anakkatty . Hence, the secretary RTA is directed to enquire and report the adverse effects of these changes, if any, on the travelling public along with frequency of stage carriage services on the sector Anakkatty-Paloor.

For compliance of the above direction, **decision on the application for variation of permit is adjourned.**

Item No.27

Heard. This is an application for variation of permit in respect of stage carriage KL-45-D-2233 authorised to operate on the intra-district route Natyamangalam- Cherpulassery on the strength of regular permit 9/65/2002 valid up to 04.01.2027. The proposed variation is an extension from Natyamangalam to Kattupara Bridge Junction via Ittakkadavu.

This authority scrutinised the above application as well as the route enquiry report of the field officer. A clarification is required on the following aspects :- (i) Whether the stage carriage crosses the Kattupara Bridge (ii) Whether there is enough space for parking or turning the vehicle (iii) Route length after variation.

A fresh enquiry report is to submitted by the secretary, RTA explaining the above points before this authority for reconsideration of the matter. **For compliance of the above , decision on the application for variation of permit is adjourned.**

Item No.28

Heard. This is an application for variation of permit in respect of stage carriage KL-08-AM-3700 authorised to operate on the intra-district route Anakatty - Paloor on the strength of regular permit 9/645/2017 valid up to 18.04.2027. The proposed variation is an extension from Paloor to Kulappadi , which is a virgin portion.

On perusal of the application and the connected documents, it is understood that the fitness certificate on the virgin portion for stage carriage operation is yet to be obtained. Moreover, it is to clarified (i) if the whole set of existing timings has been changed under the guise of variation and (ii) if it is feasible to allow stay time at Kulappadi checking the availability of ample space for parking or turning the vehicle .(iii) Whether the proposed trip at 11.55 am from Paloor to Kulappadi and then departing at 12.01 pm to reach Thavalam at 12.21 pm , will adversely affect the travelling general public in comparison to the existing trip timings. Hence, the secretary, RTA is directed to place a specific report on these counts before this authority for reconsidering the matter. **For compliance of the above, decision on the application for variation of permit is adjourned.**

Item No.29

Heard. This is an application for variation of permit in respect of stage carriage KL-09-AK-4003 authorised to operate on the inter-district route Kunnamkulam --- Pattambi on the strength of regular permit 9/656/2003 valid up to 04.09.2023. The proposed variation includes six additional single trips between Peringode and Kootanadu via Thozhukad.

This application was considered in the last RTA meeting held on 18.03.2023 as item no.32, but the decision was adjourned for ascertaining if there are any additional trips on the notified sector violating clause 19 of the notification.

The field officer, Pattambi, entrusted with the specific enquiry on the matter, has reported that there is no violation of clause 19 of G.O(P) No.13/2023/Tran dt. 03.05.2023 as there is no increase in trips through any notified routes in the proposal .Besides, no objection has been raised by KSRTC in this regard. It is also reported that most of the stage carriages operating between Peringode and Koottanadu overcrowded and more services are required to meet the travelling needs of the general public.

Hence, the variation of permit is granted subject to settlement of timings & remittance of application fee if not paid.

Item No.30

Heard. This is an application for variation of permit in respect of stage carriage KL-53-P-4104 authorised to operate on the inter-district route Anakkatty-Kozhikkode, having a route length of 153 km, on the strength of regular permit 9/6110/1994 valid up to 24.04.2024. The proposal is to curtail the portions of the route from Anakkatty to Agali (15 km) and from Kozhikkode to Kozhikkode Medical College (7 km).

The field officer, Palakkad, who conducted an enquiry on the matter, has reported that the intention of the applicant is to restrict the route length below 140 km as per the prevailing notification.

Now that the route length of the permit after the proposed variation is reduced to 131 km , which is in line with stipulations laid down in G.O(P) No.13/2023/Tran dt. 03.05.2023 issued by the Govt of Kerala set of timings, **the proposed variation is granted to operate as ordinary service by excluding the timings at the curtailed portions (Anakkatty and Kozhikkode Medical College)** & remittance of application fee if not paid.

Item No.31

Heard. This is an application for variation of permit in respect of stage carriage KL 52 D 4554 authorised to operate on the inter district route Kunnamkulam --- Pattambi with the strength of

regular permit 9/645/2002 valid up to 16.05.2027. The proposed variation includes deviation from Chalissery to Padinjarangadi via Mukkootta and Pallangattuchira and from Padinjarangadi to Kootanadu via Mala road ,Thannercode . This application was considered in the RTA meeting held on 18.03.2023 as item no.34, but the decision was adjourned for ascertaining violation of clause 19 of the notification and specifying the intermediate points in each trip on the existing route.

The field officer, Pattambi, who conducted a specific enquiry on the matter, has reported that there is no violation of clause 19 of G.O(P) No.13/2023/Tran dt. 03.05.2023 as there is no increase in trips through any notified route in the proposal . Besides, no objection has been raised by KSRTC in this regard. It is also reported that most of the stage carriages operating through Mukkootta . Pallangattuchira , Thannercode Padinjarangadi , Mala road, are over loaded with standing passengers and more services are required to avoid crowding inside buses and to provide more passenger comfort.

Hence, the variation of permit is granted subject to settlement of timings & remittance of application fee if not paid.

Item No.32

Heard. This is an application for variation of permit in respect of stage carriage KL 49 E 5049 authorised to operate on the inter-district route Ayakurissi --- Palakkad on the strength of regular permit 9/1086/2001 valid up to 15.10.2026. This application was earlier placed in the RTA meeting held on 18 03 2023 in item no.35 and the decision was adjourned since the applicant was absent. On verification of the application, proposed timings and the route enquiry report of the field officer, the following facts are noted :- (i) Under the guise of variation, the entire set of existing timings are shuffled (ii) running time of the service exceeds more than 18 hours (iii) trips to Ayakurissi , Peringottukurussi from Kottayi are not mentioned in the application. Hence, the secretary, RTA is directed

submit a report on specific trip variations by looking into the above aspects and by checking the feasibility of starting the service in the early morning hours at 4.00 am from Kuzhalmannam as well as the change of departure time at Palakkad from 8.08 am to 7.55 am.

For compliance of the above direction, **decision on the application is adjourned.**

Item No.33

Heard. This is an application for variation of permit in respect of stage carriage KL-12-E-5519 authorised to operate on the intra-district route Velanthavalam-Palakkad on the strength of regular permit 9/46/2002 valid up to 30.06.2027. The proposed variation is for curtailing the route portion from Nalleppully to 5th mile.

The route enquiry report of the field officer, SRTO, Chittur shows that the proposed curtailment , if allowed, will adversely affect the travelling public and students since 5th mile is at a distance of 6.6 km from Nalleppully and is not well served by stage carriage services and seems to be a remote village resided by poor people, who are not able to depend on taxis for their transportation needs. It is also reported that the existing departure time from Palakkad at 11.28 am is altered as 11.35 am and the arrival time at Kozhinjampara is altered from 1.20 pm to 12.40 pm and these changes in timings will cause time clash with existing services.

In light of the above facts pointed out by the field officer, **the above application for variation of permit is rejected .**

Item No.34

Heard. This is an application for variation of permit in respect of stage carriage KL 08 AB 5742 authorised to operate on the inter district route Koottanadu ---Changaramkulam with the strength of regular permit 9/6003/2008 valid up to 24.04.2028. This application was earlier considered in the RTA meeting held on 08.06.2022 in item no. 16 and the decision was adjourned seeking concurrence from RTA, Malappuram for the portion of the proposed

route lying in its jurisdiction and the same was granted by RTA, Malappuram in its decision vide supplementary item no 32.

When the application and the connected report are scrutinized, it is seen that the curtailment of trip from Chalissery via Kaithakundu and other proposed time changes and its adverse effects on the travelling public and students are not reported .

Hence, the secretary shall enquire into the matter and place a report specifically explaining all the above points and showing the trips with the intermediate places after the proposed variation . For compliance of the above directions, **decision on the application is adjourned.**

Item No.35

Heard. This is an application for variation of permit in respect of stage carriage KL-52-5822 authorised to operate on the intra-district route Muthuthala-Natyamangalam on the strength of regular permit 9/10629/2001 valid up to 05.04.2026. The proposed variation is an extension from Natyamangalam to Kattupara Bridge Junction via Ittakkadavu.

On scrutiny of the application as well as the route enquiry report of the field officer, this authority thinks that a clarification is required on the following aspects :-(i) Whether the stage carriage crosses the Kattupara Bridge (ii) whether there is enough space for parking or turning the vehicle (iii) the exact route length after the proposed extension (iv) whether the running rate on the proposed extended portion is at 2.5 km/minute (v) whether the timings are changed due to proposed variation (vi) whether the running hours of the service violate section 91 of MV Act, 1988

A fresh enquiry report is to submitted by the secretary, RTA explaining the above points before this authority for reconsideration of the matter. **For compliance of the above , decision on the application for variation of permit is adjourned.**

Item No.36

Heard. This is to reconsider the application for variation of permit in respect of stage carriage KL-47-6570 authorised to operate on the intra district route Nemmara--Nellichode with the strength of regular permit KL2022-SC-1390A valid up to 05.12.2027, which was adjourned as per the decision of RTA in supplementary item no.6 . On verification of the report submitted by the field officer it is revealed that the proposal is to increase the number of trips via Chanthallur, which is an interior remote place with no stage carriage services at present and the curtailment of trips on the well served sector Nemmara-Pothundy has not much effect on the travelling public . So this will be beneficial to the poor people and students residing in and around Chanthallur.

Hence, the variation of permit is granted subject to settlement of timings & remittance of application fee if not paid.

Item No.37

Heard. This is an application for variation of permit in respect of stage carriage KL-52-L-7901 authorised to operate on the intra-district route Muthuthala-Natyamangalam on the strength of regular permit 9/62/2000 valid up to 11.12.2025. The proposed variation is an extension from Natyamangalam to Kattupara Bridge Junction via Ittakkadavu.

On scrutiny of the application as well as the route enquiry report of the field officer, this authority thinks that a clarification is required on the following aspects :-(i) Whether the stage carriage crosses the Kattupara Bridge (ii) whether there is enough space for parking or turning the vehicle (iii) the exact route length after the proposed extension (iv) whether the running rate on the proposed extended portion is at 2.5 km/minute (v) whether the timings are changed due to proposed variation (vi) whether the total running hours of the service violate section 91 of MV Act, 1988 (vii) whether the proposed variation permissible under section 80(3) of MV Act,1988.

A fresh enquiry report is to submitted by the secretary, RTA explaining specifically the above points before this authority for reconsideration of the matter.

For compliance of the above , decision on the application for variation of permit is adjourned.

Item No.38

Heard. This is an application for variation of permit in respect of stage carriage KL-70-B-8687 authorised to operate on the intra-district route Pothundi-Puthanthara on the strength of regular permit 9/418/2004 valid up to 28.04.2024. This application was earlier placed in the RTA dt 18.03.2023 in item no. 39 , but the decision was adjourned directing the applicant to submit a modified application clearly mentioning the 'via' in each trip .

The enquiry report of the filed officer reveals that the proposed curtailment of full round trips between Nemmara and Pothundi and between Nemmara and Puthanthara after 6.25 pm is not at all advisable since it will adversely affect the travelling public. Moreover, in the name of proposed variation of the route via Chanthallur, Mattaya, almost all the existing timings at Nemmara are seen changed, which may lead to time clash with existing operators. Hence, it is obvious that the intention of the applicant is to alter the entire time schedule and this authority is of the view that the application is not to be considered as a variation but to be treated as a new permit u/s 80(3) .Under these circumstances, **the application for variation of permit is rejected**

Item No.39

Heard. This is an application for variation of permit in respect of stage carriage KL-10-Y-9022 authorised to operate on the intra-district route Melmuri- Natyamangalam on the strength of regular permit 9/610/2003 valid up to 10.02.2028. After scrutiny of the application as well as the route enquiry report of the field officer SRTO, Pattambi, this authority has decided to call for specific report in respect of the following (i) Curtailment of trips to Natyamangalam, Veluthur, Prabhapuram, Vallapuzha and Melmuri

and its effect (ii) change of evening trips at Vallapuzha and its effect (iii) Whether it is feasible and beneficial if the trips are proposed till 11.20 pm, after the existing halting time at 8.55 pm (iv) suitability of enhancement of working time of the service to nearly 17 hours a day (v) whether different running time are proposed in the same sector . Hence, the secretary RTA is directed to place the above report clearly mentioning the intermediate points in each trip before the RTA for consideration with necessary correction in the proposed timings. For compliance of the above directions, **decision on the application for variation of permit is adjourned.**

Item No.40

Heard. This is an application for variation of permit in respect of stage carriage KL-52-H-9430 authorised to operate on the intra district route Karukaputhur--Changaramkulam on the strength of regular permit 9/609/2004 valid up to 05.03.2024. On verification of the application as well as the route enquiry report of the field officer SRTO, Pattambi, this authority has noticed the following (i) type of variation (deviation or extension) is not seen mentioned by the field officer (ii) It is not reported whether it is feasible and beneficial if the service is proposed to start at 4.00 am from Chalissery via Peringode, which is 2.15 hours earlier than the existing starting time. Also, the timings at peringode are not seen mentioned (iii) Curtailment of existing trips towards Changaramkulam, Karukaputhur, Peringode and Chalissery and its effects are not reported (iv) suitability of enhancement of running time of the service over 16 hours a day is not reported.

Hence, the secretary RTA shall conduct an enquiry on the above aspects and place a detailed report before the RTA for consideration .

For compliance of the above directions, **decision on the application for variation of permit is adjourned.**

Item No.41

Heard. This is an application for renewal of permit in respect of stage carriage KL-09-U-0405 on the intra-district route Govindapuram-Palakkad. Regular permit was valid up to 03.04.2023. This application for renewal of permit was filed on 12.04.2023, which was not within the time limit stipulated under Section 81(2) of MV Act, 1988, along with a delay condonation request stating the he could not file the application in time due to ill health and a medical certificate is seen attached.

This authority is convinced that the applicant was prevented by good and sufficient causes from making application for renewal of permit in time, hence **delay is condoned** & **Renewal of permit is granted**, subject to production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid. Secretary shall also verify the service of the vehicle after expiry of permit on 03.04.2023 and levy compounding fee, if permit-less operation is detected.

Item No.42

Heard. This is an application filed on 03.03.2023 for renewal of permit valid up to 25.05.2023 in respect of stage carriage KL 08 AF 0711 operating on the inter-district route Kuppanda Goundannur-Thrissur . **Hence, renewal of permit is granted**, subject to the (i) stipulations laid down in G.O(P).No.13/2023 dt. 03.05.2023, (ii) production of NOC from the financier, if applicable, clearance of Mvs.tax and (iii) Govt.dues, if any and remittance of application fee, if not paid.

Item No.43

Heard. This is an application for renewal of permit 9/317/2001(valid up to 24.08.2021) in respect of the stage carriage KL-17-C-0525 to operate on the intra-district route Kalladikkode-Pathiripala. **Renewal of permit is granted**, subject to production

of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid.

Item No.44

This is an application for renewal of permit 9/2803/2013 in respect of the stage carriage KL-11-M-0779 to operate on the intra district route Walayar-Palakkad Stadium Bus stand. The regular permit was expired on 20.10.2018. Though the application for renewal of permit was submitted timely on 19.09.2018, it is seen that no effort has been taken by the applicant until this time to produce current records of the vehicle as well as the mandatory NOC from the financier to get the permit renewed and make it operational for the service of the travelling public. The above vehicle, registered on 07.02.2001, had attained 20 years of age on 06.02.2021 and turned unsuitable for stage carriage operation. Besides, it is found that the vehicle has been kept under continuous Form-G (non use) since 01.02.2015 and no application for replacement was made during the currency of the permit. Subsequently, the Secretary, RTA issued a show-cause notice under Rule 152 of KMV Rules 1989 to the permit holder on 21.03.2023 calling for explanation why appropriate action as per law should not be taken against her for failure to use this stage carriage for the purpose for which the permit was issued. In response, the applicant stated that timings allowed to this vehicle is not feasible for conducting the service. The explanation submitted by the applicant is not found satisfactory.

Owing to all the facts cited above, this authority conclusively thinks that the permit holder has not taken any plausible step to make the service operational in the interest of the travelling public and breached the conditions attached to the permit and hence, **the regular permit 9/2803/2013 is hereby cancelled u/s 86(1) of MV Act, 1988 with immediate effect** and the permit holder is directed to surrender the original permit immediately before the Secretary, RTA, who is directed to record in the permit the order of

cancellation. Consequently, **the application for renewal of permit is disposed as infructuous**

Item No.45

This is an application for renewal of permit 9/1007/1996 in respect of the stage carriage KL-09-Y-1144 to operate on the inter-district route Kadampuzha-Palakkad .The vehicle was registered on 12.01.2010 and the permit was valid up to 21.06.2021, but permit renewal application was filed belatedly on 28.12.2021. Since the validity of documents related to MV Act, 1988 & CMV Rules, 1989 was extended till 31.12.2021 by the Govt due to Covid 19 pandemic, the above application could be treated as one filed before the expiry of the permit.

But **the applicant is absent**, when the matter is taken up for consideration. **Hence, the decision on the matter is adjourned** and the Secretary shall place the application in the next meeting of RTA with due notice to the applicant, indicating the date, time and venue of the meeting.

Item No.46

Heard. This is an application for renewal of permit 9/612/1998 in respect of the stage carriage KL-56-D-2799 on the inter-district route Thrissur-Govindapuram. **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid.

Item No.47

This is an application for renewal of permit 9/6041/1997 in respect of the stage carriage KL-48-J-2885 on the inter-district route Olavakkode-Mundur. But **the applicant is absent**, when the application is taken up for consideration. **Hence, the decision on the matter is adjourned** and the Secretary shall place the

application in the next meeting of RTA with due notice to the applicant, indicating the date, time and venue of the meeting.

Item No.48

Heard. This is an application for renewal of regular permit no. 9/72/2001 (valid till 23.09.2021) in respect of the stage carriage KL 51 C 3311 to operate on the intra-district route Cherpulassery - Palakkad. On perusal of records, it is found that the Secretary, RTA, Palakkad has already granted renewal of this permit. Hence, **Secretary, RTA, is directed to proceed further on the basis of current records produced by the applicant .**

Item No.49

Heard. This is to consider the application for replacement of the stage carriage KL 11 R 3905, covered by regular permit no 9/1017/2000 (valid till 13.03.2020), by the stage carriage KL-29-E-5192 to operate on the intra-district route Palakkad-Muthukurissi and renewal of the regular permit.

Taking into account the facts that (i) the application for replacement was made (on 21.11.2019) during the currency of permit and (ii) the vehicle (route bus) had not attained 20 years as on the date of filing of permit renewal application (on 24.02.2020) , **this authority grant replacement of the stage carriage KL-11-R-4905 by the KL-29-E-5192 , subject to clearance of all Govt dues in respect of the outgoing vehicle, for endorsing renewal of permit** & subject to production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid.

Item No.50

Heard. This is an application for renewal of permit no. 9/439/2003 (valid up to 24.06.2023)in respect of stage carriage KL-49-4787 on the inter-district route Peringottukurussi--Thrissur. **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the

financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid.

Item No.51

1. Perused the judgment of Hon'ble High Court of Kerala dtd. 02.05.2023 in WP(C) no14436/2023.

2.Heard. This to consider the application for renewal of regular permit No:9/429/2003 (valid up to 22-Jun-2023) in respect of stage carriage KL-08-AB-5543 for a further period of 5 years to operate on the intra-district route Gopalapuram-Palakkad as ordinary service. As per records the vehicle is hypothecated to Rishabh finance, Kalathipillai Street, Sowcarpet, Chennai. The application for renewal of permit was seen received on 21.02.2023 without producing NOC from the Financier for renewing the permit mandatory as per section 51(6).

On 12.05.2023 an objection was seen received in the name of the financier M/s Rishabh Finance, Kalathipillai Street, Sowcarpet, Chennai, requesting not to renew, cancel and transfer the above permit or change of ownership of the vehicle.

Under these circumstances, **as per section 51(9)(a) clause (i) of MV Act, 1988, this authority ,refuse to renew the above permit.**

Item No.52

Heard. This is an application for renewal of permit 9/440/2003 (valid till 24.06.2023) in respect of the stage carriage KL-08-AM-6003 to operate on the inter-district route Palakkad-Thrissur. **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid.

Item No.53

Heard. This is an application for renewal of permit 9/310/2003 (valid till 07.07.2023) in respect of the stage carriage KL-50-H-6600 to operate on the inter-district route Palakkad-Kozhikkode **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid.

Item No.54

Heard. This is an application for renewal of permit 9/1005/2003 in respect of the stage carriage KL-51-C-6604 to operate on the intra-district route Elumbulassery-Ottapalam . Permit was valid up to 14.01.2023. But the application for renewal of permit was seen filed on 22.05.2023, which was not within the time limit stipulated under Section 81(2) of MV Act, 1988. Having perused the request of the applicant to condone the delay and the supporting medical certificate, this authority is convinced that the applicant was prevented by good and sufficient causes from making application for renewal of permit in time, hence **delay is condoned** and **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid. Secretary shall also verify the service of the vehicle after expiry of permit on 14.01.2023 and levy compounding fee, if permit-less operation is detected.

Item No.55

Heard. This is an application for renewal of permit 9/645/2003 (valid till 02.08.2023) in respect of the stage carriage KL-49-C-6780 to operate on the inter-district route Mundur-Olavakkode. Hence, **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the

financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid

Item No.56

Heard. This is an application for renewal of permit 9/615/2000 (valid till 09.02.2023) in respect of the stage carriage KL-08-BU-6919 to operate on the inter-district route Meenakshipuram-Thrissur. Hence, **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid.

Item No.57

Heard. This is an application for renewal of permit 9/10673/1997 (valid till 18.12.2022) in respect of the stage carriage KL-41-E-7904 to operate on the inter-district route Shornur-Kunnamkulam Hence, **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid

Item No.58

Heard. This is an application for renewal of permit no.9/1018/2002 in respect of the stage carriage KL-10-X-8892 on the inter-district route Edappal-Pattambi. Permit was valid up to 26.04.2022. But the application for renewal of permit was seen filed on 13.10.2022, which is not within the time limit stipulated under Section 81(2) of MV Act, 1988. This application was placed in the RTA meeting held on 18.03.2023 in item no. 65, but the decision was adjourned with direction to the applicant to produce any supporting document to consider the request for delay condonation.

Having perused the request of the applicant to condone the delay and the supporting medical certificate produced now as directed by the RTA, this authority is convinced that the applicant was prevented by good and sufficient causes from making application for renewal of permit in time, hence **delay is condoned** and **Renewal of permit is granted**, subject to conditions laid down in G.O(P).No.13/2023 dt. 03.05.2023 and production of NOC from the financier, if applicable, clearance of Mvs.tax and Govt.dues, if any and remittance of application fee, if not paid. Secretary shall also verify the service of the vehicle after expiry of permit on 26.04.2022 and levy compounding fee, if permitless operation is detected.

Item No.59

1. Perused the order of Hon'ble STAT dated 22.08.2022 in MP No.760/2022 in MVAA No.157/2022
2. Heard. This application for replacement of stage carriage KL-02-R-5058 by the stage carriage KL-70-E-9541 was already considered in the RTA meeting held on 08.06.2022 in item no. 74 and was rejected . The operative part of the decision is reproduced hereunder as :-
3. “ On perusal of records, it is seen that this permit (9/408/2006) was originally issued to a stage carriage having a seating capacity of 28 in all. The present vehicle covered by this permit is having a seating capacity of 38 in all. The proposed incoming vehicle is having a seating capacity of 21 in all.

This application for replacement is re-considered as per Section 83 of Motor Vehicles Act, 1988 and as per Rule 174 of KMV Rules, 1989. By virtue of second limb of the note to Rule 174 of KMV Rules, 1989, “ No replacement shall be allowed to a vehicle with a material difference for a second time even if the material difference is less than 25 % ...”. While considering the seating capacity of the vehicle covered by this primary permit(28 in all) and the incoming vehicle(21 in all), the material difference is 25% by reducing seating capacity. In the judgment dated 13.12.2021 in WA No. 706 of 2021 in Jyothi v. Regional Transport Authority[reported in 2021(6)KLT Online 1022], the Division Bench of

Hon'ble High Court of Kerala has interpreted that the issue of difference of 25% can only be applied against the original vehicle. In view of the above observations of Hon'ble High Court of Kerala and also since the proposed replacement will adversely affect the travelling facilities enjoyed by the public as per the enquiry report of the field officer, **application for replacement is rejected.** ”

4. There is no provision in Motor Vehicle Act and Rules to allow and endorse the replacement for a short duration as mentioned in the interim order dated 22.08.2022 in MP No.760/2022 of the Hon'ble STAT.
5. This authority doesn't see any changed circumstances warranting a review of the above decision. Hence **the secretary, RTA is directed to place the matter before the RTA for reconsideration if necessary, subject to the final judgment of the Hon'ble State Transport Appellate Tribunal in MVAA No.157/2023 .**

Item No.60

1. Perused the judgment dt. 21.03.2023 in WP(C). 8550/2023 By the Hon'ble High Court of Kerala

2. Heard. This is an the application for replacement of the route bus KL 09 AH 5105 by a later model stage carriage KL 58 P 6900 , which is said to have taken possession by the permit holder by way of lease agreement with the registered owner of the vehicle to operate on the intra-district route Pattambi- Palakkad with the strength of regular permit valid up to 13-Aug-2026.

In this context it is relevant to note the following observations made by the Hon'ble High Court of Kerala in Bhaskaran v/s RTA Alleppey 2003 (1) KLT 106:2003(1) KLJ163.

“The transport authority which grants the permit is authorised to cancel the permit or suspend it under [Section 86\(c\)](#) if the holder of the permit ceases to own the vehicle covered by the permit. Rule 176 refers to entry of new address in the permit. Upon receipt of intimation about the change of address the transport authority is obliged after due enquiries to record the changed address in the Certificate of Registration and enter

the permit in the new address. These two requirements conclusively indicate that the permit has to be in respect of the vehicle which stands registered obviously in the name of the registered owner.

Over and above that, [Section 2\(30\)](#) defines an owner in whose name a motor vehicle stands registered. As had been suggested by the respondent in the case cited, the definition was sufficient to change the existing situation. It is undisputed that in the matter of dues towards fee and taxes there is a charge on the vehicle and when a permit holder has no ownership over the vehicle, such provisions automatically gets defeated.

Under Rule 159, entry of registration marks in the permit is compulsory. It is laid down that when the applicant is unable to produce the Certificate of Registration on the date of his application for permit the applicant shall within one month of the sanctioning of the application or other extended time should produce the Certificate of Registration, so that the registration marks may be entered in the permit. The rule uses the expression "duly registered" and this can be accepted as "duly registered in the name of the permit holder".

Of course being a movable item, it may ordinarily be possible to assume that ownership goes with possession. But as far as the motor vehicle is concerned, especially taking note of the public interest involved, it is not only the possession that matters. Elaborate procedure has been prescribed, touching a variety of requirements, in the matter of transfer of ownership and permits.

*The predominant purpose, as I find it, is public interest. Thus in the case of a vehicle covered by hire purchase in the matter of registration, grant of permit and renewal of the same, the Act and Rules impose conditions for making available No Objection Certificate. This is to ensure that during the grant of permit, if the vehicle is taken back by the legal owner, it will adversely affect public interest. Likewise **the lessor, as in the present case, can repossess the vehicle at his will and pleasure so long as he is the registered owner of the vehicle.** The cancellation, referred to in [Section 86\(c\)](#) has come to be in the statute book, in the aforesaid context.*

Section 66(1) has employed the expression ' permit granted authorising him to use the vehicle. A combined reading of section 2(30) and section 66(1) would suggest that a permit can be granted to none other than the registered owner of the vehicle.

Therefore, the contention of the respondent that the lease arrangement entitles him to have a permit in respect of the vehicle held on the strength of lease is difficult to be accepted'.

Thus, this authority is of the view that both the vehicles are to be under the ownership of the permit holder so as to meet the stipulations under section 2(30) and section 66(1) of MV Act, 1988 and to avoid a situation, where the lessor can repossess the vehicle at his will and pleasure so long as he is the registered owner of the vehicle, leaving the permit under suspended animation, against the interest of the travelling public. Hence, **the above application for replacement is rejected.**

Item No.61

Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Item No.62

Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Item No.63

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Item No.76

Heard and **transfer of permit in respect of stage carriage KL-49-C-2833 covered by regular permit 9/408/2002 is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

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Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Item No.100

1. Perused the judgment of Hon'ble High Court of Kerala dated 07.06.2023 in WP(C)No.15501/2023.

2.Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Item No.101

Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Item No.102

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Item No.111

Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Item No.112

1. Perused the judgment of Hon'ble High Court of Kerala dated 13.04.2023 in WP(C)No.11048/2023.

2. Heard. The stage carriage KL-11-AB-4469, once covered by the permit 9/669/2003, had been issued a clearance certificate on 04.02.2016 as per the order dt.29.12.2015 of Hon'ble High Court of Kerala in WP(C) no. 39957/2015(T), by keeping the permit under suspended animation, subject to the condition that the petitioner shall produce records of the vehicle to be substituted within four months. But, the permit holder has failed to produce any suitable vehicle for replacement to conduct service on the above route and make the permit operational for the benefit of the travelling public on the route within the above prescribed period of time.

This authority in its decision taken in the meeting held on 03.07.2017 in item no.63, had cancelled the above permit under sub-section(1) of section 86 of the Motor Vehicles Act 1988 read with the rule 185 of Kerala Motor Vehicles Rules,1989 on the basis of the following observations of the division bench of the Hon'ble High Court of Kerala in the judgment dt 06.04.2016 in WA no.2486,2455,2769 of 2015

*“(i)**The permit cannot be detached from the vehicle.** The petitioner has the right to replace the vehicle as per the statutory provisions contained in Section 83 of the 1988 Act. The releasing of vehicle from the permit to the petitioner shall have adverse effect on the public interest, since the route for which the permit has been granted shall remain unserved.*

*(ii) **The petitioner is statutorily bound to make available the vehicle throughout the currency of the period of the permit for running the service. In the event the petitioner is unable to utilize the vehicle for service, he can very well surrender the permit.***

*(iii)As per rule 159(1), the permit shall not be issued unless the entry of registration mark is made in the permit. Thus for issuance of permit, registration mark in the permit is mandatory and **permits are issued in reference to a vehicle. A perusal of Section***

86(1)(c) indicates that when the holder of the permit ceases to own the vehicle, his permit can be suspended/cancelled

(iv) Rule 152 provides that it shall be a condition of the permit of every transport vehicle that the vehicle shall be so maintained as to be available for the service for which the permit granted for the entire period of currency of the permit.

(v) The above statutory provisions clearly indicate that the permit holder is specifically obliged to keep the vehicle ready and use for the entire period of permit. In the event he transfers the vehicle and loses ownership of the vehicle, permit can be suspended or cancelled. The object is that the service covered by the permit should always be run for the benefit of the public and permit holder has an obligation to run the service and in the event he wants to withdraw from service, he has to surrender the permit with notice so that the authorities can make proper arrangements. The petitioner wants to keep his permit alive so that in future if he wants he can revive the service, which is not permissible under the statutory scheme. The division bench in Jaffer V. Usman (2015[4] KLT 590) as laid down that an application for renewal of permit cannot be made without the vehicle being available.

(vi) To accept the contention of the petitioner that he is entitled to receive clearance certificate from the authority to detach the vehicle from the permit to use the vehicle for any other permit for other purpose including the transfer of the vehicle is to allow the permit which is held by him to remain unserved causing prejudice to general public whom transport services are provided and regulated by the authority.

(vii) The petitioner want his permit to remain alive without it being suspended/cancelled and detach the vehicle for the use of the vehicle for some other purpose which is clearly contrary to the object and purpose of the 1988 Act and the 1989 Rules”.

It is in this backdrop that a request is seen filed by the petitioners for replacement of the former route bus by another vehicle (no vehicle number is provided in the request) for operating

on the permit which stood before the cancellation. The representative of KSRTC also took a strong exception to this request.

It is very much clear that this permit is nonexistent ever since it was cancelled by this authority on the basis of the above observations of the division bench of the Hon'ble High Court of Kerala in the judgment dt 06.04.2016 in WA no.2486,2455,2769 of 2015

. Since the holding of a permit or a renewed permit is an indispensable condition to enable an applicant to apply for permission to replace the vehicle as held by the “the Hon'ble High Court of Kerala in Usman v. Regional Transport Authority, Malappuram (2015(4) KLT, **the request filed by the petitioners is rejected.**

Item No.113

Heard. This is to consider further action as per 152 of KMV Rules, 1989 in respect of the stage carriage KL-04-L-4834 for not operating the service for conveyance of travelling public for entire currency of its regular permit 9/3176/2013 valid up to 15.12.2023. This vehicle was registered on 16.09.2002 and is unsuitable for stage carriage operation as per law since it attained 20 years of age on 15.09.2022.

Then, a show-cause notice under rule 152 of KMV Rules 1989 was issued to the permit holder on 05.12.2022 calling for explanation why appropriate action as per law should not be taken against him for failure to use this stage carriage for the purpose for which the permit was issued. In reply to the notice, permit holder requested not to cancel the permit and allow him to operate the service by revising the existing timings of his stage carriage as proposed by him. Submissions filed in this regard by the permit holder as well as others in the RTA meeting are also perused

In the above circumstances, the permit holder is directed to take immediate steps to replace the route bus by a suitable stage carriage before the expiry of permit and make the permit operational for the service of travelling public on the above route . Hence, the **decision on the matter is adjourned.**

Item No.114

1. Heard. Considering the application for countersigning the permit in respect of Educational Institution Bus TN 41 X 1078 issued by Regional Transport Authority, Pollachi, Tamilnadu, this **authority hereby countersign the permit of the above vehicle**, permitting the operation of this vehicle in the jurisdiction of Regional Transport Authority, Palakkad, subject to conditions already attached to permit.
2. Heard. Considering the application for countersigning the permit in respect of Educational Institution Bus TN-99-W-1058 issued by Regional Transport Authority, Coimbatore(West), Tamilnadu, this **authority hereby countersign the permit of the above vehicle**, permitting the operation of this vehicle in the jurisdiction of Regional Transport Authority, Palakkad, .
3. Heard. Considering the application for countersigning the permit in respect of Educational Institution Bus TN 41 AV 0558 issued by Regional Transport Authority, Coimbatore(West), Tamilnadu, this **authority hereby countersign the permit of the above vehicle**, permitting the operation of this vehicle in the jurisdiction of Regional Transport Authority, Palakkad, subject to conditions already attached to permit and remittance of application fee, if not paid.

Supplementary item No.01

Heard. This is an application for transfer of permit. **Decision on this application for transfer of permit is adjourned** for lack of validity of the permit at the time of consideration of the application.

Secretary shall place the application before this authority after re-validating the permit for reconsideration.

Supplementary item No.02

Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Supplementary Item No.03

Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Supplementary item No.04

Heard and **transfer of permit in respect of stage carriage KL-09-Y-1670 covered by regular permit 9/490/2001 is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Supplementary item No.05

Heard and **transfer of permit is granted**, subject to clearance of Mvs.tax and Govt.dues, if any, production of NOC from the financier, if applicable & remittance of application fee, if not paid.

Supplementary item No.06

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Supplementary Item No.07

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Supplementary item No.08

Heard. This is to consider the request for delay in producing the current records in respect of the stage carriage KL-53-0603 for renewal of permit No.9/1022/2001 valid up to 22.03.2021 to operate on the route inter district Ottapalam-Edathunattukara . In the RTA meeting held on 18.03.2023 in item no.44, while

considering the matter, on finding that renewal of permit was granted by RTA dtd.08.11.2021 in item no.16(II), secretary, RTA was directed to report the details of records submitted by the applicant for availing the permit and request for condoning delay if any. It is seen that the above decision was communicated to the applicant on 12.05.2023 and the current records of the vehicle with a delay condonation request was filed on 08.06.2023.

Hence, **Secretary is directed to proceed further on the granted renewal of permit considering the current records of the vehicle produced and condoning the delay, if any.**

Supplementary item No.09

Cancellation of stage carriage permits issued by the secretary, RTA **is ratified**

Supplementary item No.10

Heard. Considering the application for countersigning the permit in respect of Educational Institution Bus TN-99-J-3380 issued by Regional Transport Authority, Coimbatore(West), Tamilnadu, this **authority hereby countersign the permit of the above vehicle,** permitting the operation of this vehicle in the jurisdiction of Regional Transport Authority, Palakkad, subject to conditions already attached to permit and remittance of application fee, if not paid.

Sd/-

M.P. James,
Deputy Transport Commissioner
Central Zone-1, Thrissur
& member-RTA, Palakkad

Sd/-

Dr. S.Chithra IAS
District Collector, Palakkad
& Chairman-RTA Palakkad