

**DECISION OF THE MEETING OF THE REGIONAL TRANSPORT
AUTHORITY, KASARAGOD HELD ON 08-02-2024 AT 11.00 AM AT
DISTRICT COLLECTORATE CONFERENCE HALL, KASARKKODE**

Present:

1. SRI.K.INBASEKHAR IAS (DISTRICT COLLECTOR
&CHAIRMAN)
2. SRI.BIJOY P,IPS (DISTRICT POLICE CHIEF & MEMBER)
3. SRI.R RAJEEV (DEPUTYTRANSPORT COMMISSIONER,
NORTH ZONE & MEMBER)

ITEMNo:1

Heard. This is an application for grant of Regular stage carriage permit in respect of suitable vehicle(HPV S/C 38 in all) on the intra district route **KANHIRAPOYIL-VELLARIKUNDU-KANHANGAD-KALICHAMPOTHI-CHAYOM-NILESWARAM** Via: Ennapara-Thayannur-Kalichanadukkam-Parappa-Mundott-Poothakkal-Ambalathinkara-Chemmattum vayal- Dist Hospital- NBS- OBS- Kothottpara- Malappachery- Moonnu road-Chayoth HSS-Block Office-Vellarikundu Govt: Hospital. The enquiry officer has reported that the proposed route is much beneficial to the travelling public and students of the sector. Route portion from Kanhangad New BS to Old BS, having a distance of 2.10 km overlaps on the Notified Sector (Kannur –Kasaragod NH66), which is not an objectionable overlapping. During the meeting, KSRTC and Private Bus Operators' Association objected the proposed timings, which can be settled in a timing conference as per Rule 212 of KMV Rules, 1989.

Hence fresh regular stage carriage permit is **granted subject to settlement of timings and 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.**

ITEMNo:2

Heard. This is an application for grant of Regular stage carriage permit in respect of suitable vehicle (S/C 48 in all) on the inter district route CHERUPUZHA-NILESWARAM-KONNAKKAD (Via: Chittarikkal- Vellarikundu- Mandapam- Bheemanadi- Kunnumkai- Chayom school- Bangalam- Palathadam) as ordinary service.

It is reported that the proposed route traverses for a distance of 05 Km in Kannur district, out of total route length of 68 km. So prior concurrence from sister RTA is required for consideration of the application. Hence, Secretary is directed to obtain prior concurrence from RTA Kannur with specific mention about the intermediate points on the route and the exact distance of overlapping with notified route in the jurisdiction of RTA Kannur.

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

ITEM No:3

Heard. This is an the application for grant of Regular stage carriage permit in respect of suitable vehicle (S/C not mentioned on application, 09/2013 model vehicle) on the intra district route DAIGOLI-THALAPADY Via: Neettalapadavu- Manjanady- Thoudugoli- Kunjathur) as ordinary service. The enquiry officer has reported that the proposed route from Thalapady to Kunjathur, a distance of 2.00 km overlaps on the Notified Sector (NH 66), which is an objectionable overlapping. As per clause 5 (c) of the notification in GO(P)No.01/2016/Trans Dated 13-01-2016. As per the above notification, the entire route portion from Kasaragod to Thalappady is notified, reserved exclusively for STU services. Further Clause 5(b) of the said notification, the portions other than those ,mentioned in clause 5(c) will be in partial exclusion of other services and no fresh shall be granted nor shall the existing permits varied. Permits will also be granted to private stage carriages of other routes permitted to overlap the following two portions subject to the condition that the total overlapping of the two portions shall not exceed 6 kilometre, i.e 1) from Kasaragod KSRTC stand to Chowki – 3 km; and

2) Kumbala to Hosangadi 12 kilometre.

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

ITEMNo:4

Heard. This is an application for grant of Regular stage carriage permit in respect of vehicle No.KL59E4777 (S/C 48-Model 2011) on the intra district route PERIYA-DELAMPADY Via: Perdala-Kuttikol-Betturpara-Pallanji-Pandi-Adoor-Kottiyadi as ordinary service.

The Enquiry officer has reported that the 13.00 KM route from Menasinagar to Ishwaramangalam and Pallathoor bridge lies in Karnataka State. During the meeting Sri K Chandramaniyaani , an operator objected that the applied route lies 17 Km in Karnataka State and the route is not enclave. which is against the provisions of Sec. 88 (1), “provided further that where both the starting point and the terminal point of the route are situate within the same state, but part of such route lies in any other state and the length of such part does not exceed 16 kms, the permit shall be valid in the other state in respect of that part of the route which is in that other state not withstanding that such permit has not been counter signed by the STA or the RTA of that other state”.

Hence, the Secratary RTA 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.

ITEMNo:5

Heard. This is an application for grant of regular stage carriage permit on the intra district route Mulleria-Baiyaduka-Kumbala via Seethamgoli-Nirchal-Narambadi-Mouvar-Belliga as ordinary service. It was earlier considered by the RTA dt.18.09.2023 as item No.02, but the decision was **adjourned** with direction to the Secretary to ascertain the stability of the proposed time schedule. The Motor Vehicle Inspector submitted that limited stage carriage services are available in the applied route and introduction of the new service is more beneficial to the travelling public in the sector Mulleria-Baiyaduka-Kumbala. Representation received from KSRTC and private bus operators association regarding the timings, which can be settled in a timing conference as per Rule 212 of KMVR.

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.

ITEMNo:6

Heard. This is an application for grant of Regular stage carriage permit in respect of suitable vehicle (MPV S/C 38 in all) on the intra district route CHERKALA-KUNDAMKUZHI-ODAYAMCHAL-VELLARIKUNDU Via:- Bovikanam - Erinjipuzha- Payam- Kanhurathingal- Vavadukkam- Udayapuram-Kodoth- Odayamchala-Parappa as ordinary service. Secretary RTA and Motor Vehicles Inspector with the applicant conducted a joint route site inspection and reported that the some portions of the route is very narrow and only suitable for conducting services with MMV or LMV stage carriage and hence safety of passengers are to be taken into consideration. The applicant has submitted a modified proposal in which she proposed MMV instead of HMV for consideration. Representation received from Sri Chandrasekharan, MLA, Hosdurg in favour of the proposal. The Motor Vehicles Inspector reported that some portions of the route are not well served and the proposal is beneficial to travelling public and students of the sector. **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.**

II .VARIATION OF PERMIT.

ITEMNO.7

Heard:-This is an application for variation of permit in respect of S/C KL 14 Q 4431 operating on the inter State route Kurichipalla-Uppala-Bayarpadavu-Beripadavu-Perla-Kaniyala as ordinary service.

The permit holder applied for Variation of permit as curtailing route Beripadavu to Perla 18 kms and extension of route from Beripadavu to Kaniyala via Bellur 5 Kms.

The report o f Motor Vehicles Inspector is as follows:

1. Kurichippalla -Upala only 3 buses are operating- is not a well served route
2. Upala-Beripadavu-Kaniyala not a well served route
- 3 Kaniyala-Bellur- Beripadavu is an ill served route.
3. Uppala – Perla is not a well served route.
- 4.The variation is within the permissible limit of Sec.80(3)(i&ii)of MVAct 1988.

On verification of the application, proposed timings and the route enquiry report of the field officer, it is noted that Under the guise of variation, the entire set of existing timings are shuffled.

Hence, applicant is directed to submit a new application without change in the existing timings of at other intermediate points . 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 reconsideration. For the compliance of the above, decision on the application for fresh regular stage carriage permit is adjourned.

ITEMNO:8

Heard. This is an application for variation of regular permit in respect of S/C **KL 58 C 4446** operating on the intra district route **UDAYAPURAM-KANHANGAD-KALIKKADAVU-THAYANNUR(VIA ERUMAKKULAM, KALLIOT, KUMBALA, PARAPPALLY, MAVUNGAL, MOONAM MILE, 7th MILE, ENNAPPARA, PARAKKALAYI, PERIYA** as ordinary service. The permit holder applied for Variation of permit and proposed to start the service at 06.15 am deviating the trip to Kanhangad via Kodoth, Odayanchal, 7th mile, Parappally, Mavungal(curtailing the trip via Kalliot, kumbala) and arrive at Kanhangad at 07.20 am. In the existing timing it is 07.10 am. The departing time changed to 07.22 for the trip to Kalikkadavu(Parakkalayi).

The field officer reported that the proposed variation is within the permissible limit of Sec.80(3)(1) of CMV Act.

On verification of the application, proposed timings and the route enquiry report of the field officer, it is noted that the deviation of trip to Kanhangaad via Kodoth , Odayanchal, 7th Mile Parapally, Muvungal resulting the trip via Kallot , Kumbala . It is the deprivation of facility enjoyed by the existing vehicle for 30years.

Hence, applicant is directed to submit a new application without curtailing the portion Kallot , Kumbala . 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 reconsideration. For the compliance of the above, decision on the application for fresh regular stage carriage permit is adjourned.

III. Vehicle replacement:

ITEMNO:9

Heard. This is an application application for replacement of Permit covered by vehicle KL 12 C 6500 (Dor 18-08-2006) seating capacity-33in all) operating ion the route Padanna – Madakkara- Kanhangad- Cheruvathur -Nileswar by later model vehicle KL 60 K8699(Dor 17-03-2016 seating capacity-33 in all.) The primary permit issued in this respect was S/C KL 14A3177 (s/c 20 in all).

Motor Vehicles Inspector has reported that as per rule 174 of KMVR if the new vehicle proposed does not differ in material respects from the old, the application for replacement of vehicle may be allowed. If there is material difference between the vehicles the application shall be treated as if it were for a fresh permit. As per rule, the material difference shall always be reckoned with the original permitted vehicle. For the purpose of the rule vehicles which differ by not more than 25% of the seating capacity shall not be considered as materially different. In the instant case the proposed vehicle is having materially different with the original permitted vehicle KL 14A3177 by more than 25% and hence not within in the purview of KMVR 174 (iii). However, the proposed vehicle is having more seating capacity, also later model, which would be more convenient and comfort to the passengers. Hence replacement of the regular S/C permit covered by S/c KL 12C 6500 by later model vehicle KL 60K8699 is **granted subject remittance of application fee if not paid and production of current records of the incoming vehicle within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.**

IV.Renewal of permit and Vehicle replacement:

ITEM NO10

Heard. This is an application for renewal of permit and Replacement of Vehicle to S/C KL 14 AD 2289 in respect of stage carriage **S/C KL 57 E 5620** on the intra-district route **Kalanad-Kadinhimoola Via.Kanhangad** .Regular permit was valid up to 24-05-2021 . This application for renewal of permit was filed on 21.08.2023, which was not within the time limit stipulated under Section 81(2) of MV Act, 1988, The matter was considered by this authority meeting held on 18/09/2023 vide item no 6 and took the decision as “ Heard. This is an application for Renewal of regular permit in respect of S/C KL 57E5620[26- 03-2012] operating service on the intra district route Kalanad-Kadinhimoola-Via: Kanhangad. The regular permit No. KL14/4/1988 expired on 24-05-2021. Primary permit issued in the year 1988 and was operating as on 24-05-2021. Therefore it is open to the RTA to condone delay in the making of an application for the renewal of permit. However, the applicant is failed to substantiate reasons for delay in making the application of renewal of permit. Hence the decision on the application for the renewal of permit is adjourned with direction to the applicant to produce additional and sufficient documents to substantiate the application for delay condonation . ” Now the permit holder has submitted affidavit 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 24.05.2021 and levy compounding fee, if permit-less operation is detected.

The application of Replacement of Regular Permit covered by S/C KL 57E5620 by later model vehicle KL 14 AD 2289 is is174(3) **of KMVR, 1989 . Hence** granted subject remittance of application fee if not paid and on payment of tax dues if any in respect of the outgoing vehicle, and on production of current records of the incoming vehicle within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.

ITEM NO:11

Heard. This is an application for for Renewal of Permit and Replacement of Vehicle in respect of **S/C KL 18 A 8327** [09-Dec-2004] operating on the intra district route **Thalappachery-Kasaragod** Via:Adoor-Mulleria-Bovikana as ordinary service

MVI, has conducted an enquiry regarding the necessity of the renewal of permit and reported that the service of the vehicle bearing Reg No.KL18A8327, S/C, was operated on the route Thalappachery-Kasaragod via:Adoor-Mulleria-Bovikanam on the strength of regular permit No.KL14/10735/2005 which was expired on 18/08/2020. The vehicle KL18A8327 detached from the permit as per the order of Hon'ble HC WP© No.33204/18 date 23/04/2018. Hence, the services are not operated from that date.

The enquiry officer revealed that the permit of the vehicle expired on 18/08/2020 and the vehicle detached from the permit as per the order of Hon'ble High Court WP© No.33204/18 dtd 23/04/2018. Hence, the services are not operated from 23/10/2018, without a vehicle the permit alone can not exist in vaccum. Now the Registered Owner has applied for replacement of vehicle by later model vehicle No.KL57B4220 on lease agreement without remitting fee. Without a valid regular permit, the question of replacement does not arise at all. The applicant has applied for for renewal of permit on 09/10/2023 without remitting fee, the regular permit expired on 18/08/2020 and on its route Cherkala to Kasaragod lies on NH 66, which over lap the notified sector(9.00 km) as per the GO (p) No13/2023/Clause 5© ,the permits which are issued prior to 14/07/2009 and is operating are only allowed to continue. In this case the services are not operated from 23-10-2018 and the primary permit also expired on 18-08-2020. Further, the enquiry officer reported that there is no urgent need to consider the application for renewal of the expired permit. **Since the primary is not in operation, the application for renewal of permit is Rejected and the Regular Permit No. 14/10735/2005 is cancelled.**

ITEMNO:12

Heard. This is an application for renewal of permit in respect of stage carriage KL13 K 8145 on the intra-district route PAIKA-MULLERIA-KASARAGOD-MADHUR-PADY-MALLA as valid up to 26.04.2022 and replacement of the vehicle to S/c Kl 14 E 5099. This application for renewal of permit was filed on 27.12.2023, 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. The seating capacity of the mother permit, S/c KL 13 B 0237 is 48 and seating capacity of the incoming vehicle KL 14 E 5099 is 38 . As per Rule 174(3) **of KMVR, 1989** if the new vehicle proposed does not differ in material respects from the old, the application for replacement of the vehicle may be allowed . If there is material difference between the two vehicles, the application shall be treated as if it were for a fresh permit. Hence, applicant is **directed to produce suitable later model vehicle complies with Rule 174 (iii) of KMVR, 1989 with in a period of one month from the date of communication of the decision** Hence, decision on the application for replacement of stage carriage permit is adjourned.

IV.TRANSFER OF PERMIT

ITEMNO:13

Heard. Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEMNO:14

Heard. Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEMNO:15

Heard.Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEMNO:16:

Heard.Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

ITEMNO:17

Heard.Transfer of permit allowed subject to clearance of government dues if any, and on production of NOC from HP Company, if applicable.

1. Sri. K Imbasekhar IAS (District Collector \$ Chairman RTA)
2. Sri. Bijoy P, IPS (Disrtict Police Chief & RTA Member)
3. Sri. R Rajeev (Deputy Transport Commissioner NZ & RTA Member)
