

Decision of RTA, Malappuram held at Collectorate Conference Hall on
05/03/2013

Item No 1:-

Heard. The regular permit application is reconsidered as afresh on the basis of the request of the applicant and remittance of fee for fresh grant. It is found that there is no change in the applied route and circumstances than the earlier grant of permit in this route. Hence regular permit **granted** in respect of S/C KL-09-L-2256 subject to fixation of running time as per the order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 2:-

Heard. The regular permit **granted** in respect of S/C KL 10 L 1612 subject to settlement of timings, verification of genuineness of vehicle offered and confirming the compliance of GO(P)No 67/2011/Tran dtd 30/11/2011.

Item No 3:-

Heard.

1. Perused the judgment dated 18/12/2012 of Hon'ble STAT in MVAA No 74/2012.
2. In obedience to the above judgment of Hon'ble STAT reconsidered the application for regular permit. The applicant produced six wheeled S/C KL-11-P-4465 and regular permit **granted** subject to the production of a specific modified time schedule furnishing the intermediate points and path of the route to all termini and subject to settlement of timings.

Item No 4:-

Heard. The regular permit application is reconsidered as afresh on the basis of the request of the applicant and remittance of fee for fresh grant. It is found that there is no change in the applied route and circumstances than the earlier grant of permit in this route. Hence regular permit **granted** in respect of S/C KL-10-H-8179 settlement of timings.

Item No 5:-

Heard.

1. Perused the judgment dated 06/12/2012 of Hon'ble STAT in MVAA No 396/2012.
2. In obedience to the above judgment of Hon'ble STAT reconsidered the application for regular permit and regular permit **granted** in respect of six wheeled S/C KL-09-K-4579 subject to settlement of timings.

Item No 6:-

Heard. The proposed route overlaps on the notified route Ponnani – Chelari on a distance of 3km from Tanur to Olapeedika. As per clause 19 of draft notification no. 8154/B1/12/Tran dated 24/01/2013 the right to operate any new service and to increase the trips in the notified route or its portions is reserved exclusively for KSRTC. The KSRTC vehemently objected the grant of this permit on account of violation of the draft notification. In the above circumstances the grant of the permit is against the said notification and hence the application for regular permit is **rejected**.

Item No 7:-

Heard. The proposed route is having route length of 91.2kms and a distance of 61.5km, the major portion of the route, is between Perintalmanna and Thelpara. The proposed route overlaps on a distance of 4.2km on the notified route portion Pattambi Road Jn – Perintalmanna – Angadippuram, which lies on the remaining minor portions of the proposed route. The distance of overlapping in the proposed route comes under the limit prescribed under clause 5(c) only because of the above mentioned major portion distance between Perintalmanna and Thelpara. But the applicant has provided only the starting trip at 3.15am from Thelpara and the trip halting at 11.45pm at Thelpara between the major portion of the proposed route which made eligible to comply the provision of clause 5(c) of notification no.42/2009/TRAN dated 14/07/2009. This authority found that the above two trips are not going to be benefited to the traveling public, as those trips are not seen provided at reasonable timings to be benefited for the traveling public. Hence this authority directs the applicant to modify the time schedule providing more reasonable number of trips between Perintalmanna and Thelpara taking in to account of the need of traveling public. The decision on the application is **adjourned** for the compliance of above direction.

Item No 8:-

Heard.

1. Perused the judgment dated 15/11/2012 of Hon'ble STAT in MVAA No 375/2012.
2. In obedience to the above judgment of Hon'ble STAT reconsidered the application for regular permit. The KSRTC vehemently objected the grant of the permit in view of the overlapping in the notified route Ponnani – Chelari. The KSRTC states that a distance of 8 km is overlapping on the notified route portion Pookkayil – Tirur – Pulinchuvadu.
3. As per clause 19 of draft notification no. 8154/B1/12/Tran dated 24/01/2013 the right to operate any new service and to increase the trips in the notified route or its portions is reserved exclusively for KSRTC.

For the above reasons the application for regular permit is **rejected**.

Item No 9:-

Applicant absent, adjourned.

Item No 10:-

Heard. Regular permit **granted** in respect of six wheeled S/C KL-09-K-906 subject to settlement of timings.

Item No 11:-

Heard. The applicant produced S/C KL-10-L-2465 and regular permit **granted** subject to settlement of timings, verification of genuineness of vehicle offered and confirming the compliance of GO(P)No 67/2011/Tran dtd 30/11/2011.

Item No 12:-

Heard. The applicant produced S/C KL-10-N-47 and regular permit **granted** subject to settlement of timings.

Item No 13:-

Heard. Regular Permit **granted** subject to production of a stage carriage complying GO(P)No 67/2011/Tran dtd 30/11/2011 having no valid regular permit within one month from the date of communication of the decision failing which the grant of the regular permit will be treated as revoked and subject to settlement of timings.

Item No 14:-

Heard. The proposed route is having route length of 95.5kms and a distance of 50km, the major portion of the route, is between Manjeri and Chokkad Girijan Colony. The proposed route overlaps on a distance of 4km on the notified route portion Kakkad to Chemmad and Kizhakkethala to Malappuram which lies on the remaining minor portions of the proposed route. The distance of overlapping in the proposed route comes under the limit prescribed under clause 5(c) only because of the above mentioned major portion distance between Manjeri and Chokkad Girijan Colony. But the applicant has provided only the starting trip at 4.10am from Chokkad Girijan Colony and the trip halting at 8.13pm at Chokkad Girijan Colony between the major portion of the proposed route which made eligible to comply the provision of clause 5(c) of notification no.42/2009/TRAN dated 14/07/2009. Hence this authority directs the applicant to modify the time schedule providing more reasonable number of trips between Manjeri and Chokkad Girijan Colony taking in to account of the need of traveling public. The decision on the application is **adjourned** for the compliance of above direction.

Item No 15:-

Heard. The KSRTC alleged that there is overlapping on the notified route Ponnani – Chelari vide draft notification no. 8154/B1/12/Tran dated 24/01/2013 between Puthentheru – Vattathani. Secretary is directed to ascertain the overlapping on the above route portion and to report objectionable overlapping if any in the next meeting. The decision on the application is **adjourned** for the compliance of the above matter.

Item No 16:-

Heard. The trips provided between Kondotty and Tharayittal are not in conformity with the route sketch and the path of the route. The path of the route on the trips between Kondotty and Tharayittal are not specified even though there are two paths as per the proposed route. The running time provided is not in conformity with the order D3/875/STA/2005 dated 08/11/2011 of STA and also not tallying with the proposed route. Hence Regular Permit **granted** in respect of S/C KL-06-C-7000 subject to the production of a modified time schedule specifying the path of the route on each trip, fixation of running time as per the order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 17:-

Heard. The trips provided between Tharayittal and Kondotty are not in conformity with the route sketch and the path of the route. The path of the route on the trips between Tharayittal and Kondotty are not specified even though there are two paths as per the proposed route. The running time provided is not in conformity with the order D3/875/STA/2005 dated 08/11/2011 of STA and also not tallying with the proposed route. Hence Regular Permit **granted** in respect of S/C KL-12-B-4070 subject to the production of a modified time schedule specifying the path of the route on each trip, fixation of running time as per the order D3/875/STA/2005 dated 08/11/2011 of STA, verification of genuineness of vehicle offered, confirming the compliance of GO(P)No 67/2011/Tran dtd 30/11/2011 and settlement of timings.

Item No 18:-

Heard. This RTA has earlier taken a stand not to grant regular permits on application filed without offering vehicles or its specific material particulars and had adjourned those applications. The Hon'ble High Court in its judgment dated 06/11/2012 in wp(c) 20681/2012 and Hon'ble STAT in MVAA No.200/2012, set aside the above decision and observed that it is not a requirement to have a vehicle either at the time of filing application or grant of permit. In view of the above observations regular permit **granted** subject to the production of six wheeled suitable stage carriage in compliance with GO(P) No 67/2011 dated 02/08/2011 within 30 days from the date of communication of this decision failing which the grant of the regular permit will be treated as revoked and subject to settlement of timings.

Item No 19:-

Heard. This RTA has earlier taken a stand not to grant regular permits on application filed without offering vehicles or its specific material particulars and had adjourned those applications. The Hon'ble High Court in its judgment dated 06/11/2012 in wp(c) 20681/2012 and Hon'ble STAT in MVAA No.200/2012, set aside the above decision and observed that it is not a requirement to have a vehicle either at the time of filing application or grant of permit. In view of the above observations regular permit **granted** subject to the production of six wheeled suitable stage carriage in compliance with GO(P) No 67/2011 dated 02/08/2011 within 30 days from the date of communication of this decision failing which the grant of the regular permit will be treated as revoked and subject to settlement of timings.

Item No 20:-

Heard. The proposed route is having route length of 114kms and a distance of 90kms, the major portion of the route, is between Perintalmanna and Karulai. The proposed route overlaps on a distance of 5km on the notified route from Perintalmanna to Tirurkkad which lies on the remaining minor portions of the proposed route. The distance of overlapping in the proposed route comes under the limit prescribed under clause 5(c) only because of the above mentioned major portion distance between Perintalmanna and Karulai. But the applicant has provided only the starting trip at 4.40am from Karulai via Karuvarakundu and the trip halting at 10.40pm at Karulai via Pandikkad, Wandoor, between the major portion of the proposed route which made eligible to comply the provision of clause 5(c) of notification no.42/2009/TRAN dated 14/07/2009. Hence this authority directs the applicant to modify the time schedule to provide all trips to Karulai with equal number of trips through Pandikkad and Karuvarakundu taking in to account of the need of traveling public. The decision on the application is **adjourned** for the compliance of above direction.

Item No 21:-

Heard. Regular permit **granted** in respect of six wheeled S/C KL-07-AG-5877 subject to settlement of timings.

Item No 22:-

Heard. This RTA has earlier taken a stand not to grant regular permits on application filed without offering vehicles or its specific material particulars and had adjourned those applications. The Hon'ble High Court in its judgment dated 06/11/2012 in wp(c) 20681/2012 and Hon'ble STAT in MVAA No.200/2012, set aside the above decision and observed that it is not a requirement to have a vehicle either at the time of filing application or grant of permit. In view of the above observations regular permit **granted** subject to the production of six wheeled suitable stage carriage in compliance with GO(P) No 67/2011 dated 02/08/2011 within 30 days from the date of communication of this decision failing which the grant of the regular permit will be treated as revoked and subject to settlement of timings.

Item No 23:-

Heard. The applicant produced S/C KL-18-4410 and regular permit **granted** subject to settlement of timings, verification of genuineness of vehicle offered and confirming the compliance of GO(P)No 67/2011/Tran dtd 30/11/2011.

Item No 24:-

Heard. Granted.

Item No 25:-

Heard. Granted.

Item No 26:-

Heard.

Considered the application for conversion of service as Super Fast Service. This permit is renewed up to 02/11/2012 by this authority. Conversion of service as Super Fast service will adversely affect the traveling public and students depending this service. It is also finds that -

- I. a)The KSRTC vehemently objected the conversion of the service as Super Fast Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
 - b) Stops will be reduced. The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
 - c) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
- II. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Super Fast Service is granted it will violate the above said notification.
- III. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.

For the above reasons the application for variation of service as Super Fast is **rejected**.

Item No 27:-

Heard.

I. Considered the application for conversion of service as Super Fast Service. This permit is renewed up to 22/03/2015 by this authority. Conversion of service as Super Fast service will adversely affect the traveling public and students depending this service. It is also finds that -

1. a) The KSRTC vehemently objected the conversion of the service as Super Fast Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
- b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
- c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
- d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
2. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Super Fast is granted it will violate the above said notification.
3. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.

For the above reasons the application for variation of service as Super Fast is **rejected**.

II. 1. Perused the Judgment of the Hon'ble High Court in wp(c)3897/2013 dated 11/02/2013.

2. In obedience to the above judgment considered the application for variation by extending route from Kuttiadi to Nadapuram on a distance of 13kms. This Ordinary Service permit has earlier renewed and valid up to 22/03/2015. The proposed variation will further increase the route length which is already in excess of 140kms, which is the maximum limit of route length that can be operated as on ordinary service. In this situation further extension by variation is not allowable for the reason stated above. Conversion of service as Super Fast service is already considered and decided as in item no 27(I) above and in view of the said decision the variation by extension of service is not maintainable and hence **rejected**.

Item No 28:-

Heard. Variation of permit **granted** subject to fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 29:-

Heard.

1. Perused the order dated 02/01/2013 of Hon'ble STAT in MP No 2/2013 in MVAA No.2/2013 and MP No 3/2013 in MVAA No. 2/2013. In obedience to above orders Secretary is directed to seek concurrence from sister RTAs for renewal of regular permit on the route Palakkad – Kozhikkode in respect on S/C KL-53-D-7138.
2. Already considered and decision taken as Item no 29 dated 21/11/2012.
3. Considered the application for conversion of service as Limited Stop Fast Passenger. This permit is renewed up to 20/05/2013 by this authority. Conversion of service as Limited Stop Fast Passenger service will adversely affect the traveling public and students depending this service. It is also finds that -

- I. a) The KSRTC vehemently objected the conversion of the service as Fast Passenger Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
- b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
- c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
- d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
- II. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Fast Passenger Service is granted it will violate the above said notification.
- III. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.
- For the above reasons the application for variation of service as Limited Stop Fast Passenger is **rejected**.

Item No 30:-

Heard. The proposed variation of permit by extension overlaps on the notified route portion from Valiyaparamba to V K Padi on the notified route Kottayam – Kozhikkode. As per clause 19 of notification no. 42/2009/Tran dated 14/07/2009 the right to operate any new service and to increase trips on the notified route is reserved exclusively for STU only. The proposed variation violates the above clause of the notification no. 42/2009/Tran dated 14/07/2009 and hence **rejected**.

Item No 31:-

Heard. The variation includes curtailment of morning trips from Chattipparamba to Malappuram. The field officer has reported that the curtailment of the above mentioned morning trip will adversely affect the traveling public and students now depending this service. Hence this authority is not satisfied that the variation proposed will serve the convenience of traveling public as provided under sub section 3(ii) of Section 80 of MV Act. Hence the variation application is **rejected**.

Item No 32:-

Heard. Variation of permit **granted** subject to fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA, settlement of timings and receipt of certificate of road fitness by PWD for virgin portion from Erumamunda to Chembankolly.

Item No 33:-

Heard.

I. Considered the application for conversion of service as Limited Stop Fast Passenger Service. This permit is renewed up to 18/09/2015 by this authority. Conversion of service as Limited Stop Fast Passenger Service will adversely affect the traveling public and students depending this service. It is also finds that -

1. a) The KSRTC vehemently objected the conversion of the service as Limited Stop Fast Passenger Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
- b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.

- c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
- d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
2. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Limited Stop Fast Passenger Service is granted it will violate the above said notification.
 3. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.
- For the above reasons the application for variation of service as Limited Stop Fast Passenger service is **rejected**.

II. Considered the application for variation by extending route from Perintalmanna to Pattikkad on a distance of 16kms. This Ordinary Service permit has earlier renewed and valid up to 18/09/2015. The proposed variation will further increase the route length which is already in excess of 140kms, which is the maximum limit of route length that can be operated as on ordinary service. In this situation further extension by variation is not allowable for the reason stated above. Conversion of service as Limited Stop Fast Passenger Service is already considered and decided as in item no 33(I) above and in view of the said decision the variation by extension of service is not maintainable and hence **rejected**.

Item No 34:-

Heard.

1. The proposed variation by deviation overlaps on the notified route portion from Chankuvetti to AVS College Junction on the notified route Kottayam – Kozhikkode. As per clause 19 of notification no. 42/2009/Tran dated 14/07/2009 the right to operate any new service and to increase trips on the notified route is reserved exclusively for STU only. The proposed variation violates the above clause of the notification no. 42/2009/Tran dated 14/07/2009.
2. The proposed curtailment will adversely affect traveling public now depending this service. For the above reasons the application for variation of permit is **rejected**.

Item No 35:-

Heard.

1. Perused the Judgment of the Hon'ble High Court in wp(c)2854/2013 dated 30/01/2013.
2. In obedience to the above judgment considered the application for conversion of service as Limited Stop Fast Passenger Service. This permit is renewed up to 04/03/2016 by this authority. Conversion of service as Limited Stop Fast Passenger Service will adversely affect the traveling public and students depending this service. It is also finds that -
 1. a) The KSRTC vehemently objected the conversion of the service as Limited Stop Fast Passenger Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
 - b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
 - c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.

- d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
2. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Limited Stop Fast Passenger Service is granted it will violate the above said notification.
 3. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.
- For the above reasons the application for variation of service as Limited Stop Fast Passenger service is **rejected**.

Item No 36:-

Heard. The proposed variation from Tanur to Pandimuttam via Vattathani, Tirur, Payyanangadi overlaps on the notified route Ponnani – Chelari. As per clause 19 of notification no.8154/B1/12/Tran dated 24/01/2013 the right to operate any new service and to increase trips on the notified route is reserved exclusively for KSRTC only. The proposed variation violates the clause 19 of the above notification no. 8154/B1/12/Tran dated 24/01/2013 and hence **rejected**.

Item No 37:-

Heard.

1. Perused the Judgment of the Hon'ble High Court in wp(c)676/2013 dated 09/01/2013.
 2. In obedience to the above judgment considered the application for conversion of service as Limited Stop Fast Passenger Service. This permit is renewed up to 09/10/2015 by this authority. Conversion of service as Limited Stop Fast Passenger Service will adversely affect the traveling public and students depending this service. It is also finds that -
 1. a)The KSRTC vehemently objected the conversion of the service as Limited Stop Fast Passenger Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
 - b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
 - c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
 - d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
 2. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Limited Stop Fast Passenger Service is granted it will violate the above said notification.
 3. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.
- For the above reasons the application for variation of service as Limited Stop Fast Passenger service is **rejected**.

Item No 38:-

Heard.

- I. The application includes extension of the route from Guruvayoor to Thriprayar Temple and the entire variation portion is within the jurisdiction of RTA, Thrissur. No report on the proposed extension is seen furnished by Secretary and concurrence from RTA, Thrissur is also not seen obtained. Hence Secretary is directed to seek concurrence from RTA, Thrissur along with the route enquiry report regarding the proposed extension.
- II. Considered the application for conversion of service as Super Fast Service. This permit is renewed up to 30/03/2015 by this authority. Conversion of service as Super Fast service will adversely affect the traveling public and students depending this service. It is also finds that -
1. a) The KSRTC vehemently objected the conversion of the service as Super Fast Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
 - b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
 - c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
 - d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
2. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Super Fast is granted it will violate the above said notification.
 3. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.

For the above reasons the application for variation of service as Super Fast is **rejected**.

Item No 39:-

Heard. Considered the application for conversion of service as Limited Stop Fast Passenger Service. This permit is renewed up to 13/08/2015 by this authority. Conversion of service as Limited Stop Fast Passenger Service will adversely affect the traveling public and students depending this service. It is also finds that -

1. a) The KSRTC vehemently objected the conversion of the service as Limited Stop Fast Passenger Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
 - b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
 - c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
 - d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
2. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Limited Stop Fast Passenger Service is granted it will violate the above said notification.
 3. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.

For the above reasons the application for variation of service as Limited Stop Fast Passenger service is **rejected**.

Item No 40:-

Heard.

I. The extension portion completely lies in Palakkad District. The report on proposed extension and concurrence from RTA, Palakkad are not seen obtained. Hence Secretary is directed to seek concurrence from RTA, Palakkad and furnish the report on the proposed extension including the distance on each district.

II. The conversion as Super Fast Service is not maintainable at present since the route length is below 150kms and not complying rule 2(uc) of KMVR 1989. Hence the decision on the application is **adjourned** till the finalization of application for extension from Palakkad to Walayar.

Item No 41:-

Heard. The application for variation and proposed time schedule are not tallying each other regarding the trips proposed to be operated after variation. Hence the variation application is incorrect and is found furnished suppressing the increase of trips between Kondotty and Kozhikkode which is found incorporated in the proposed time schedule attached along with the variation application. This result in increase of trips on the notified route portion Kondotty – Kozhikkode on the notified route Palakkad – Kozhikkode and is the violation of notification no. 42/2009/Tran dated 14/07/2009.

For the above reasons the application for variation of permit is **rejected**.

Item No 42:-

Heard. Variation of permit **granted** subject to fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 43:-

Heard. Variation of permit **granted** subject to fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 44:-

Heard. Variation of permit **granted** subject to fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 45:-

Heard.

1. Perused the order dated 02/01/2013 of Hon'ble STAT in MP No 4/2013 in MVAA No.5/2013 and MP No 4/2013 in MVAA No. 2/2013. In obedience to above orders Secretary is directed to seek concurrence from sister RTAs for renewal of regular permit on the route Palakkad – Kozhikkode in respect on S/C KL-58-A-5614.
 2. Already considered and decision taken as Item no 35 dated 21/11/2012.
 3. Considered the application for conversion of service as Limited Stop Fast Passenger. This permit is renewed up to 20/05/2013 by this authority. Conversion of service as Limited Stop Fast Passenger service will adversely affect the traveling public and students depending this service. It is also finds that -
 - I. a) The KSRTC vehemently objected the conversion of the service as Fast Passenger Service as the major portion of the route overlaps on the notified route and the conversion of the service will adversely affect their similar services on this sector.
 - b) Stops will be reduced, students depending this service on various portions of its route will be deprived of their concessional rate Traveling facility.
 - c) The daily commuters on various portions of this service will have to pay higher rate of fare without availing any additional facilities.
 - d) The variation proposed is not in compliance with the provisions of Section 80(3)(ii) of MV Act regarding the convenience of traveling public.
 - II. As per clause 18 of draft notification no. 5651/B2/2009/TRAN dated 02/08/2012 the right to operate any class of service other than an ordinary service in the State of Kerala and to increase trips shall be reserved exclusively with State Transport Undertaking. If the conversion of service as Fast Passenger Service is granted it will violate the above said notification.
 - III. The Hon'ble High Court in W A No.1447/2011 has held that the Regional Transport Authority shall satisfy that the variation proposed will serve the convenience of the traveling public as per the proviso to Section 80(3) (ii) of MV Act. This authority is not satisfied that the variation proposed will serve the convenience of the traveling public.
- For the above reasons the application for variation of service as Limited Stop Fast Passenger is **rejected**.

Item No 46:-

Heard. Variation of permit **granted** for the fourth trip from Tirur at 5.43 pm to Kozhikkode subject to settlement of timings for the above trip.

Item No 47:-

Heard.

I. Perused the judgment dated 09/01/2013 of Hon'ble High Court in wp(c) 6123/2013 and wp(c) 13433/2009.

II. In obedience to the judgment of Hon'ble High Court in wp(c) 6123/2013 dated 09/01/2013 the variation application is considered as afresh. Meanwhile the Hon'ble High Court disposed the wp(c) 13433/2009 vide judgment dated 09/01/2013, where in the Hon'ble Court has remanded the MVARP No 314/2008 connected with this matter to the Hon'ble STAT for denovo consideration. In view of the above judgments it is found necessary to verify the necessity and feasibility of the variation applied by the applicant in the present scenario. The final disposal of the MVARP No 314/2008 is also relevant in taking decision on the application. Secretary is directed to conduct enquiry about the necessity and feasibility of variation as afresh and also seek and report the disposal of MVARP No 314/2008. Hence the decision on the application is **adjourned** for the compliance of above matter.

Item No 48:-

Heard. Variation of permit **granted** subject to fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 49:-

Heard. Variation of permit **granted** subject to production of modified time schedule specifying the path of the trip at 11.40 am from Kondotty to University, fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 50:-

Heard. The field officer has not reported the necessity of variation under rule 145(6) of KMVR and the adverse effects of curtailment proposed in the variation. Hence Secretary is directed to conduct a detailed enquiry with specific report on the above matters and place before Regional Transport Authority. Hence the decision on the application is **adjourned** for the compliance of above matter.

Item No 51:-

Heard. The variation includes new additional trips through the notified route portion from Nilambur to Chandakunnu on the notified route Vazhikkadavu – Kozhikkode. As per clause 19 of notification no. 42/2009/Tran dated 14/07/2009 the right to operate any new service and to increase trips on the notified route is reserved exclusively for STU only. The proposed variation violates the above clause of the notification no. 42/2009/Tran dated 14/07/2009 and hence **rejected**.

Item No 52:-

Heard. Variation of permit **granted** subject to fixing of running time in accordance with order D3/875/STA/2005 dated 08/11/2011 of STA and settlement of timings.

Item No 53:-

Secretary is allowed to seek concurrence from Sister RTA, Palakkad.

Item No 54:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

Item No 55:-

I. Perused the order of the Hon'ble STAT in MP No 78/2013 in MVAA No 15/2013 and MP No 79/2013 in MVAA No 15/2013

II. In obedience to the above orders of Hon'ble STAT, Secretary is allowed to seek concurrence from Sister RTAs Palakkad and Kozhikkode.

Item No 56:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

Item No 57:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

Item No 58:-

I. Perused the order of the Hon'ble STAT in MP No 70/2013 and MP No 71/2013 in MVAA No 13/2013

II. In obedience to the above orders of Hon'ble STAT, Secretary is allowed to seek concurrence from Sister RTAs Palakkad and Kozhikkode.

Item No 59:-

Heard. Decision on the renewal of permit application **adjourned** till the disposal of MVAA No 343/2011 pending with Hon'ble STAT.

Item No 60:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

Item No 61:-

Secretary is allowed to seek concurrence from Sister RTA, Palakkad.

Item No 62:-

Heard. This is an application for renewal of a Fast Passenger permit which was valid upto 14-12-2002 as per MV Act and Rules. The vehicle covered by the permit was a 1998 model registered on 23-11-1998. The vehicle attained the age of 5 years as on 22-11-2003 and was not eligible to operate service as fast passenger. The permit holder applied for renewal of permit as fast passenger with request to grant renewal subject to counter signature. The RTA granted renewal of permit for the period from 15-12-2002 to 14-12-2007 subject to counter signature of sister RTAs Kozhikkode, Thrissur and Ernakulam vide its decision No.64 in the meeting held on 21-10-2004. This grant of renewal without obtaining prior concurrence was on the basis of the request of permit holder dated 21-10-2004 addressed to RTA stating the long pendency of renewal from 15-12-2002 onwards. But the permit holder did not obtain the counter signature from those sister RTAs till the expiry of renewal granted as above or even till date for that renewal. This permit had become in operative since the date of attaining the age of 5 years by the vehicle covered by this permit and after the finalization of supplementation scheme vide notification No.42/2009/Tran dated 14-07-2009. There by the renewal granted by this RTA had become invalid and the permit got lapsed. The KSRTC

vehemently objected the renewal of this permit contending that since the finalization of the supplementation scheme vide Notification No.42/2009/Tran dated 14-07-2009 KSRTC has introduced so many services on various portions of the route applied for renewal and the renewal of this permit, which has been kept idle by the permit holder even before and after the finalization of the above said Notification, will adversely affect the services of KSRTC and the purport of supplementation scheme. It is also relevant that the applicant did not replace the vehicle which had attained the age of 5 years as on 22-11-2003 and became unsuitable to operate as Fast Passenger service as per rule 260(A) of KMV rules. The applicant has not even applied for replacement of the vehicle by offering a stage carriage complying rule 260(A) of KMV rules even within the renewal granted period 15-12-2002 to 14-12-2007 and thus the permit got lapsed and became as non renewable. The renewal of permit was granted subject to counter signature of sister RTAs and in the absence of counter signature for that period this permit is in effect got lapsed without valid renewal and replacement for the last 10 years. The applicant has so far not taken any effort to render service to the traveling public other than trying to keep the permit as alive without replacing the vehicle for the last 9 years. This is a Fast Passenger service and the route length is more than 160 kms. Hence violates the rule 2(ea) of KMV rules. Even if this application is considered as if for a fresh permit, the route overlaps on the notified routes objectionably vide notification no. 42/2009/Tran dated 14-07-2009 and also violates the draft Notification No.5651/B2/2012 dated 02-08-2012. This permit is not having the eligibility to get renewed, as the permit had already got lapsed.

For the reasons detailed above the application for renewal of permit for the periods from 15-12-2007 to 14-12-2012 and 15/12/2012 to 14/12/2017 are **rejected**.

Item No 63:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

Item No 64:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

Item No 65:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

Item No 66:-

I. Perused the judgment of Hon'ble High Court in wp(c) 29371/2012 dated 01/01/2013
 II. In obedience to the judgment of Hon'ble High Court considered the renewal of permit application along with the replacement application. Renewal of permit and replacement of vehicle **granted** subject to clearance of Govt. dues and NOC from hypothecation company, if any.

Item No 67:-

I. Perused the order of the Hon'ble STAT in MP No 12052013 in MVAA No 367/2012

II. In obedience to the above orders of Hon'ble STAT, Secretary is allowed to seek concurrence from Sister RTAs Thrissur, Kannur and Kozhikkode.

Item No 68:-

Secretary is allowed to seek concurrence from Sister RTA, Thrissur.

Item No 69:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Palakkad.

Item No 70:-

Secretary is allowed to seek concurrence from Sister RTA, Palakkad.

Item No 71:-

Secretary is allowed to seek concurrence from Sister RTA, Thrissur.

Item No 72:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode and Thrissur.

Item No 73:-

Heard. The permit was valid up to 04/07/2012 and was issued prior to 09/05/2006. This authority is convinced that the applicant was prevented from filing application for renewal of permit in time due to good and sufficient reason. Hence the delay occurred in filing application for renewal is condoned.

This permit passes through the intermediate points on the notified route Ponnani – Chelari in the draft notification no. 8154/B1/12/Tran dated 24/01/2013. As per clause 4 of the above notification “ *the permits issued in the private sector on or before the date of draft notification will be allowed to continue till the date of expiry of the respective permits. Thereafter no regular permits will be granted to them.*” In this circumstance the renewal of permit is kept in abeyance till the finalization of the above notification. The Secretary is directed to issue Temporary Permit under section 99(2) of MV Act for a period of 1 year or till the finalization of draft notification no 8154/B1/12/Tran dated 24/01/2013, whichever is earlier.

Item No 74:-

Secretary is allowed to seek concurrence from Sister RTA, Thrissur and Kozhikkode.

Item No 75:-

Secretary is allowed to seek concurrence from Sister RTA, Thrissur and Kozhikkode.

Item No 76:-

Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.

Item No 77:-

Heard. This is a Limited Stop Ordinary Service permit and as per rule 2(Oa) of KMVR and ordinary service can be operated on distance up to 140km. The route length is not seen furnished in this case. Hence Secretary is directed to measure the route length on the route Palakkad – Kozhikkode via Mannarkkad, Perintalmanna, Malappuram, Kondotty and Ramanattukara to ascertain the exact route length. Hence the decision on the application is **adjourned** for the compliance of above matter.

Item No 78:-

Heard. The permit was valid up to 10/12/2012 and was issued prior to 09/05/2006. This authority is convinced that the applicant was prevented from filing application for renewal of

permit in time due to good and sufficient reason. Hence the delay occurred in filing application for renewal is condoned.

As per clause 4 of notification no 42/2009/TRAN dated 14/07/2009 the regular permit will be issued after the expiry of permits issued prior to 09/05/2006. In this case the permit was issued prior to 09/05/2006. Hence renewal of regular permit **granted** from the date of application subject to verification of service after the date of expiry of the permit.

Item No 79:-

Heard. The permit was valid up to 27/09/2012 and was issued prior to 09/05/2006. This authority is convinced that the applicant was prevented from filing application for renewal of permit in time due to good and sufficient reason. Hence the delay occurred in filing application for renewal is condoned.

As per clause 4 of notification no 42/2009/TRAN dated 14/07/2009 the regular permit will be issued after the expiry of permits issued prior to 09/05/2006. In this case the permit was issued prior to 09/05/2006. Hence renewal of regular permit **granted** from the date of application subject to verification of service after the date of expiry of the permit.

Item No 80:-

Heard. The permit was valid up to 03/10/2012 and was issued prior to 09/05/2006. This authority is convinced that the applicant was prevented from filing application for renewal of permit in time due to good and sufficient reason. Hence the delay occurred in filing application for renewal is condoned.

This permit passes through the intermediate points on the notified route Ponnani – Chelari in the draft notification no. 8154/B1/12/Tran dated 24/01/2013. As per clause 4 of the above notification “ *the permits issued in the private sector on or before the date of draft notification will be allowed to continue till the date of expiry of the respective permits. Thereafter no regular permits will be granted to them.*” In this circumstance the renewal of permit is kept in abeyance till the finalization of the above notification. The Secretary is directed to issue Temporary Permit under section 99(2) of MV Act for a period of 1 year or till the finalization of draft notification no 8154/B1/12/Tran dated 24/01/2013, whichever is earlier.

Item No 81:-

Heard. The material difference of the offered vehicle is by 3 seats more than, that can be allowed under rule 174(2)(b) of KMVR 1989. But in view of the increased traveling facility to the public and increase in Govt. revenue replacement of vehicle **granted**.

Item No 82:-

Heard. This renewal application was earlier considered by this authority vide item 157 dated 28/07/2011 and the applicant has not sought for any legal remedy in any higher forum. Hence this authority is not in a position to entertain the rejected application as it has no ‘sumoto’ review power. Hence the present application is not maintainable.

Item No 83:-

Heard. Application for renewal of permit and transfer of permit considered. Renewal of permit is **granted** and transfer of permit **allowed** in favour of Sri. Sameer, S/O P Komu, Pookkayil House, Chankuvetti PO, Kottakkal, Malappuram subject to production of NOC from the hypothecation company and clearance of Govt. dues if any.

Item No 84:-

Heard (1 and 2). Considered the application for transfer of permit and renewal of permit. Transfer of permit **allowed** in favour of Smt. Devaki, W/o Damodaran (late), Chettiyanthodi Vinayaka Sadan, Thrikandiyur PO, Tirur, Malappuram subject to production of NOC from the hypothecation company and clearance of Govt. dues if any.

This permit passes through the intermediate points on the notified route Ponnani – Chelari in the draft notification no. 8154/B1/12/Tran dated 24/01/2013. As per clause 4 of the above notification “ *the permits issued in the private sector on or before the date of draft notification will be allowed to continue till the date of expiry of the respective permits. Thereafter no regular permits will be granted to them.*” In this circumstance the renewal of permit is kept in abeyance till the finalization of the above notification. The Secretary is directed to issue Temporary Permit under section 99(2) of MV Act for a period of 1 year or till the finalization of draft notification no 8154/B1/12/Tran dated 24/01/2013, whichever is earlier.

Item No 85:-

Heard.

1. Secretary is allowed to seek concurrence from Sister RTA, Kozhikkode.
2. Transfer of permit **allowed** in favour of Smt. Devaki, W/o Damodaran (late), Chettiyanthodi Vinayaka Sadan, Thrikandiyur PO, Tirur, Malappuram subject to production of NOC from the hypothecation company and clearance of Govt. dues if any.

Item No 86:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 87:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 88:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 89:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 90:-

Heard both the applicants. The earlier transfer of permit granted vide item no 71 dated 23/04/2012 revoked and the request for transfer of permit dated 12/02/2013 is allowed subject to clearance of Govt. dues if any.

Item No 91:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 92:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 93:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 94:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 95:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 96:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 97:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 98:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 99:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 100:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 101:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 102:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 103:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 104:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 105:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 106:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 107:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 108:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 109:-

Absent, adjourned.

Item No 110:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 111:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 112:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 113:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 114:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 115:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 116:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 117:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 118:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 119:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 120:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 121:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 122:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 123:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 124:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 125:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 126:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 127:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 128:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 129:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 130:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 131:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 132:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 133:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 134:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 135:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 136:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 137:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 138:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 139:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 140:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 141:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 142:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 143:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 144:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 145:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 146:-

Duplication of item no 132

Item No 147:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 148:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 149:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No 150:-

Heard.

I. Perused the judgment of Hon'ble STAT in MVARP No 114/2008 Dated 14/09/2012

II. The first applicant or the power of attorney holder was not present. The second applicant alone was represented. The Hon'ble STAT has vide order dated 14/09/2012 in MVARP No 114/2008 has directed the RTA to confirm the genuineness of the joint application in this case, requiring the presence of both the applicants. In the absence of the permit holder or his power of attorney holder it is found that the verification of genuineness of signatures put in the records in file, which are having changes from one to another, alone is not sufficient to ascertain that the transfer of permit application was originally filed with the signature of the permit holder. Hence Secretary is directed to call for the permit holder or power of attorney holder issuing notice to verify the signature of the permit holder physically so as to trace out the original signature of the permit holder among the signatures found in the vehicle file. The result of the entire process shall be placed before next RTA. The decision on the application **adjourned** for the compliance of the above matters.

Item No 151:-

Heard. The applicant failed to intimate the death of the permit holder to the Regional Transport Authority and to seek permission for using the permit by him on behalf of the deceased permit holder. Hence it is found that the applicant has violated the provision of section 82(2) of MV Act. The offence is imposed with penalty Rs. 3000/- and transfer of permit allowed in favour of Smt. Pathumakutty, W/O Ali Moyangodan, Valakkuda House, Mundakkal P.O., Cheekode, Malappuram subject to clearance of Govt. dues if any.

Item No 152:-

Heard. Transfer of permit in favor of Smt. Smt.Kunjifathima, W/O K P Mohammed Haji(late), Kollaparamban, Aneesa manzil, Pandikkad Road, N S S College P.O., Manjeri, Malappuram is allowed subject to clearance of Govt. dues if any.

Item No.153:-

Heard. Maximum time of 4 months from the date of communication of the decision granting the fresh regular permit, is **allowed** as per rule 159(2) of KMV rules.

Item No. 154:-

Heard. Granted

Item No.155:-

Sanction is accorded to construct waiting shed at the Bus stop in front of Kadungapuram Government Higher Secondary school subject to concurrence from the local authority and PWD (roads) without obstruction to the normal flow of traffic.

Item No.156:-

Applicant absent and objectors alone were represented, hence the decision on the matter is **adjourned**.

Item No.157:-

Heard. Granted subject to the construction of bus bay at the requested stop.

Item No.158:-

Heard. As per the existing norms the running time for fast passenger and super fast passenger service is less than that for ordinary services, therefore further increase of number of stops will result in the reduction of actual available running time on the route, which will lead to over speeding and rash driving of stage carriages.

It is seen reported that at present there is bus stop for ordinary and limited stop ordinary services and this authority feels that it is not feasible to grant more and more stops for fast passenger services and super fast passenger services in view of road safety aspects. For the above reasons the request for limited stop fast passenger and super fast stops at Velimukk Palakkal is **rejected**.

Item No 159:-

Heard.

I. Perused the order of Hon'ble STAT in MPNo 1576/2012 in MVARP No 525/2012

II. The Secretary is directed to comply the order of Hon'ble STAT retaining the existing permit validity as such and settle the timings in the varied portion at the rate of existing running time as directed by the Hon'ble STAT without changes in the existing timings.

Item No. 160:-

Heard. This authority has no 'suo moto' review power to reconsider its own decision and the request lacks in merits. Hence request for reconsideration is not maintainable and is **rejected**.

Item No.161:-

Heard. The charges against the permit holder, driver and conductor are of grave in nature so far as a stage carriage service is concerned. The stage carriages are public service vehicles and are governed by the MV Act and Rules regarding the operation of service, behaviour of crews and responsibility of operator. The permit holder and crew are also bound to obey other laws in public dealings. But on perusal of connected records and report of MVI it is found that a passenger was assaulted by the crew of the stage carriage KL 08/AT 5099, which can not be expected from a public service system. It is seen that the victim was also heard in this matter and he had stick to the point of allegation. In this connection a case with FIR No.691/12 is also registered at Kasaba Police station.

From the above facts it is convinced that (1) the crew, the conductor and driver have committed serious violations of their duties and responsibilities laid down under MV Act and rules made there under. Their licenses issued under MV Act and rules need to be suspended or disqualified. Hence the driving license of the driver on duty and conductor license of conductor on duty are disqualified u/s 19(1) of MV Act and u/s 34(1) of MV Act for a period of 6 months each. Secretary is directed to endorse disqualification complying the normal procedure. (2) The permit holder has failed to comply the conditions of the permit as laid down under rule 153 of KMV rules 1989 and the permit is liable to be suspended. Considering the gravity of offence the permit is suspended for a period of 10 days with the option to remit Rs. 5000/- in lieu of suspension under rule 186(a) of KMV rules 1989. Secretary is directed to complete the procedure as per rules.

Item No.162:-

Heard. The offence detected and booked is for the misapplication of the fast passenger board by which the traveling public will misconceive the nature of service and is an illegal method of canvassing of passengers. In result it is the violation of general conditions of the permit as the permit holder is bound to conduct service only in the manner authorized to operate. Hence for the offence charged, the permit is liable to be suspended u/s 86 of MV Act and the permit is suspended for a period of 5 days with the option to remit an amount of Rs.2500/- in lieu of suspension under rule 186 of KMV rule 1989.

Item No.163:-

Seek opinion from the Government Pleader, Advocate General Office, Ernakulam .

Item No.164:-

Heard. The matter is remanded to the Manjeri traffic regulatory committee for a detailed study regarding the smooth and convenient traffic arrangement for buses in connection with the new bus stand in Manjeri town.

Item No.165:-

Perused the connected reports and records. In view of the report of the committee constituted by this RTA and the report of Police authorities, it is decided to issue half numbers of A/R permits requested by secretary Tirur Municipality with parking place inside the Tirur Municipality as first phase. Secretary is directed to fix a general criteria that the applicant shall be the permanent resident of Tirur Municipality as evidenced from the Election ID Card/Adhar Card. Only the applications already submitted in the concerned office will be considered in this first phase and the order of preference shall be as follows.

- (1) Applicants those who have availed the vehicle purchase loan under self employment scheme of Government or Government agency.
- (2) Applicants of differently abled category.
- (3) Seniority on the basis of date of remittance of fee for variation will be the order of preference for other applicants

Item No.166:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.167:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No. 168:-

Joint RTO Ponnani is directed to entertain the applications received from women attached to Kudumbasree Unit and issue permit observing the General criteria taken for the issue of A/R permits with parking place inside the Municipality as per the decision No.165 of this RTA meeting.

Item No.169:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.170:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.171:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.172:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.173:-

Heard. Joint RTO is directed to follow the decision in item No.165 of this RTA meeting on this application.

Item No.174:-

Heard. Joint RTO is directed to follow the decision in item No.165 of this RTA meeting on this application.

Item No.175:-

Heard. Joint RTO is directed to follow the decision in item No.165 of this RTA meeting on this application.

Item No.176:-

Heard. Joint RTO is directed to follow the decision in item No.165 of this RTA meeting on this application.

Item No.177:-

Heard. Joint RTO is directed to follow the decision in item No.165 of this RTA meeting on this application.

Item No.178:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.179:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.180:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.181:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.182:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.183:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.184:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.185:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.186:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Item No.187:-

I. Perused the judgment of Hon'ble High Court in wp(c) 21688/2012 dated 27/11/2012

II. Heard. This RTA has taken a decision vide item 155 dated 23/04/2012 in view of the judgment in wp(c)22157/2011 dated 17/10/2011 on the basis of the report furnished by Secretary after conducting a meeting of all interested parties along with CI and SI of Police, MVI and Joint RTO of that area. Implementation of this decision was stayed by the Hon'ble High Court vide interim order dated 12/09/2012 in wp(c) 21127/2012. Now as per the judgment in wp(c) 21688/2012 dated 27/11/2012 the Hon'ble High Court has directed to reconsider the decision of this RTA dated 23/04/2012. In obedience to the above judgment the earlier decision is re examined and decided to seek a detailed feasibility report from the Traffic Regulatory Committee of Chelembra Panchayath. In the absence of such a committee on that area the Secretary is directed to constitute a committee with Chairman and members as that in Section 72(2) of Police Act 2011 to study and report a most convenient and reasonable parking and traffic arrangement at Kakkanchery for modifying the decision of this RTA vide item 155 dated 23/04/2012 after hearing the petitioners and other affected parties included in the wp(c) 22157/2011. The committee shall furnish the report within one month from the date of communication of this decision so as to take a final decision for the compliance of the judgment in wp(c) 21688/2012 of Hon'ble High Court.

Item No.188:-

Heard. Joint RTO is directed to follow the decision in item No.165 of this RTA meeting on this application.

Item No.189:-

Heard. Joint RTO is directed to follow the decision in item No.165 of this RTA meeting on this application.

Item No.190:-

Heard. Joint RTO is directed to follow the decision in item No.165 of this RTA meeting on this application.

Item No.191:-

Heard. The report of field officer is not having sufficient details about the adequacy of space or area made available for the usage of stage carriage parking and stopping. The availability of road with sufficient width for entrance and exit of stage carriages to the proposed bus stand location is also not seen furnished. In the above circumstances the decision on the application is **adjourned** for a detailed and specific report on the matter.

Item No. 192:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No. 193:-

Heard both the applicants and transfer of permit allowed subject to clearance of Govt. dues if any.

Item No. 194:-

Heard. The vehicle covered by this permit is a four wheeler and the permit had expired on 16/10/2012. As per GO(P) No 67/2011 dated 30/11/2011 the Govt. have decided not to grant stage carriage permit to vehicle having only four wheels. The applicant has not so far produced a stage carriage in compliance with the above order. The grant of renewal of this permit is against the above Govt. notification restricting the usage of four wheelers as stage carriages. Hence the variation application is **rejected**.

Item No. 195:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 196:-

This RTA has earlier taken a stand not to grant renewal concurrence sought for from sister RTAs in respect of stage carriages whose class of service is other than ordinary service in view of clause 3 of the notification no.5651/B2/2009/Tran dated 02/08/2012. The Hon'ble STAT in MVARP 524/2012, set aside the above decision and ordered to kept alive the application for renewal of permit till the approval or lapse of the notification dated 02/08/2012. In view of the above observation the request of Secretary, RTA, Vatakara is kept in abeyance till the approval or lapse of the notification no.5651/B2/2009/Tran dated 02/08/2012.

Item No. 197:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 198:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 199:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 200:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 201:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 202:-

This RTA has earlier taken a stand not to grant renewal concurrence sought for from sister RTAs in respect of stage carriages whose class of service is other than ordinary service in view of clause 3 of the notification no.5651/B2/2009/Tran dated 02/08/2012. The Hon'ble STAT in MVARP 524/2012, set aside the above decision and ordered to kept alive the application for renewal of permit till the approval or lapse of the notification dated 02/08/2012. In view of the above observation the request of Secretary, RTA, Vatakara is kept in abeyance till the approval or lapse of the notification no.5651/B2/2009/Tran dated 02/08/2012.

Item No. 203:-

This RTA has earlier taken a stand not to grant renewal concurrence sought for from sister RTAs in respect of stage carriages whose class of service is other than ordinary service in view of clause 3 of the notification no.5651/B2/2009/Tran dated 02/08/2012. The Hon'ble STAT in MVARP 524/2012, set aside the above decision and ordered to kept alive the application for renewal of permit till the approval or lapse of the notification dated 02/08/2012. In view of the above observation the request of Secretary, RTA, Vatakara is kept in abeyance till the approval or lapse of the notification no.5651/B2/2009/Tran dated 02/08/2012.

Item No. 204:-

The permit was valid upto 19/08/2002. The route covered by this permit is having route length more than 140 kms and the concurrence is sought for he renewal as an ordinary service. As per rule 2(oa) of KMV rules 1989 an ordinary service can be operated on a route having route length up to 140 kms. As per clause 18 of the draft notification No.5651/B2/2009/Tran dtd 2/8/2012, the right to operate any class of service other than an ordinary service in the State of Kerala and to increase the trips shall be reserved to STU only. In the above circumstances this permit is not renewable in view of the draft notification No.5651/B2/2009/Tran dtd 2/8/2012, even considering as any higher class of service. Hence request for renewal concurrence is kept in abeyance in view of the observations made by the Hon'ble STAT in MVARP 524/2012, till the approval or lapse of the notification no.5651/B2/2009/Tran dated 02/08/2012.

Item No. 205:-

This RTA has earlier taken a stand not to grant renewal concurrence sought for from sister RTAs in respect of stage carriages whose class of service is other than ordinary service in view of clause 3 of the notification no.5651/B2/2009/Tran dated 02/08/2012. The Hon'ble STAT in MVARP 524/2012, set aside the above decision and ordered to kept alive the application for renewal of permit till the approval or lapse of the notification dated 02/08/2012. In view of the above observation the request of Secretary, RTA, Vatakara is kept in abeyance till the approval or lapse of the notification no.5651/B2/2009/Tran dated 02/08/2012.

Item No. 206:-

This RTA has earlier taken a stand not to grant renewal concurrence sought for from sister RTAs in respect of stage carriages whose class of service is other than ordinary service in view of clause 3 of the notification no.5651/B2/2009/Tran dated 02/08/2012. The Hon'ble STAT in MVARP 524/2012, set aside the above decision and ordered to kept alive the application for renewal of permit till the approval or lapse of the notification dated 02/08/2012. In view of the above observation the request of Secretary, RTA, Vatakara is kept in abeyance till the approval or lapse of the notification no.5651/B2/2009/Tran dated 02/08/2012.

Item No. 207:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 208:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 209:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 210:-

Granted Renewal concurrence without prejudice to the right of primary authority in deciding the nature of service according to route length subject GO (P) No. 42/2009/TRAN dtd 14.7.2009 and the disposal of WP© 20520/2009 and 22196/2009 of Hon'ble High Court and draft notification No.B2/5615/Tran dated 2/8/12 .

Item No. 211:-

The permit was valid upto 15/02/2008. The route covered by this permit is having route length more than 140 kms and the concurrence is sought for he renewal as an ordinary service. As per rule 2(oa) of KMV rules 1989 an ordinary service can be operated on a route having route length up to 140 kms. As per clause 18 of the draft notification No.5651/B2/2009/Tran dtd 2/8/2012, the right to operate any class of service other than an ordinary service in the State of Kerala and to increase the trips shall be reserved to STU only. In the above circumstances this permit is not renewable in view of the draft notification No.5651/B2/2009/Tran dtd 2/8/2012, even considering as any higher class of service. Hence request for renewal concurrence is kept in abeyance in view of the observations made by the Hon'ble STAT in MVARP 524/2012, till the approval or lapse of the notification no.5651/B2/2009/Tran dated 02/08/2012.

Item No. 212:-

I. Perused the judgment of Hon'ble STAT dated 31/12/2012 in MVARP No 524/2012.
II. In obedience to the order of Hon'ble STAT the request of Secretary, RTA, Palakkad is kept in abeyance till the approval or lapse of the notification no.5651/B2/2009/Tran dated 02/08/2012.

Departmental Item**No. 1**

Ratified the work done by Secretary, RTA under delegated powers.

Supplementary Item No 1:-

Heard. It is decided to implement the GO(P) No 77/2012/Tran dated 30/11/2012 and to issue A/R fare cards. Secretary is directed to communicate the decision to all concerned through the local medias. Secretary is also directed to make necessary arrangements to issue fare cards specifying the fare charges in compliance with GO(P) No 77/2012/Tran dated 30/11/2012.

Supplementary Item No 2:-

Heard. The report sought for from the Municipality regarding the availability of A/R parking inside the municipal town limits is not seen received so far. Hence adjourned.

Sri. M.C. Mohandas, I.A.S.
District Collector & Chairman RTA Malappuram

Sri. K. Sethuraman , I.P.S.
Superintendent of Police Malappuram & Member RTA Malappuram

Sri. P V Varghese
Deputy Transport Commissioner, CZ-I, Thrissur & Member RTA Malappuram