

**DECISION OF THE MEETING OF THE STATE TRANSPORT
AUTHORITY HELD ON 16.01.2019 AT 11 A M AT THE
TRANSPORT COMMISSIONERATE, THIRUVANANTHAPURAM**

Present:

1. Sri. K.Padmakumar IPS Transport Commissioner	- Chairman
2. Sri. Manoj Abraham IPS ADGP Traffic & Road Safety Management	- Member
3. Sri. M Alikkoya	- Non Official Member

Item No.1

Agenda: To consider the application for renewal of Permit No. 12/STA/1994 valid upto 10.04.2019 covered by the S/C KL 14 L 7779 on the Interstate route Kasargod to Sullia on Single Point tax basis - reg

Applicant: Smt. Baby.S.Naik, House No. VII/212, Anangour.P.O, Kollampady
House, Kasargod 671121

D2/9722/STA/2012

Decision: Heard the counsel for the applicant and perused the connected records. The route Kasargod to Sullia and back finds a place in the Interstate agreement vide SI No.12, Appendix II of ISA 1976. Renewal of interstate permit No. 12/STA/1994 valid upto 10.04.2019 covered by S/C KL 14 L 7779 on Single Point tax basis is granted subject to the countersignature of STA Karnataka

Item No.2

Agenda: To consider the application for renewal of countersignature of Permit No. 05/STA/1989 valid upto 18.11.2018 operating by the S/C KA 19 D 655 on the Interstate route Kasargod to Madikeri and back via Sullia and Sampaje on Single Point tax basis - req.

Applicant: Sri.K.T.Rajashekar, SRS Travels, No.321, TSP Road, Kalasipalayam,
Bangalore 560002

D2/15309/STA/2010

Decision: Heard the counsel for the applicant and perused the connected records. The route Kasargod to Madikeri and back via Sullia and Sampaje finds a place in the Interstate agreement vide SI No.3 Appendix I dtd 29.06.1976. The ACT & Secretary, KSTA, Bangalore vide order no. STA-5/RENL-PR-217/2018-19 dated 23.10.2018 granted renewal of the primary permit no. 53/1998-1999 for five years from 19.11.2018 to 18.11.2023. Renewal of countersignature of permit no. 05/STA/1989 valid upto 18.11.2018 covered by S/c KA 19 D 655 is granted for 5 years on single point tax basis.

Item No.3

Agenda: To consider the application for renewal of countersignature of Permit No. 01/STA/1995 valid upto 05.11.2018 operating by the S/C KA 51 AA 6113 on the Interstate route Mercara to Cannanore and back via Siddapura, Virajpet, Kuttupuzha, Iritty and Mattanur on Single Point tax basis - reg.

Applicant: Sri.K.T.Rajashekar, SRS Travels, No.321, TSP Road, Kalasipalayam,
Bangalore

D2/20645/STA/2008

Decision: Heard the counsel for the applicant and perused the connected records. The route Mercara to Cannanore and back via Siddapura, Virajpet,

Kuttupuzha, Iritty and Mattanur finds a place in the Interstate agreement vide SI No.1 Appendix V dtd 29.06.1976. The ACT & Secretary, KSTA, Bangalore vide order no. STA-5/RENL-PR-218/2018-19 dated 23.10.2018 granted renewal of the primary permit no. 135/1993-1994 for five years from 06.11.2018 to 05.11.2023. Renewal of countersignature of permit no. 01/STA/1995 valid upto 05.11.2018 covered by S/c KA 51 AA 6113 is granted for 5 years on single point tax basis.

Item No.4

Agenda: To consider the action to be taken against the permit holder in respect of interstate S/C KL 09 M 6886 operating service on the route Palakkad-Pollachi via Chittur and Meenakshipuram on single point tax basis for conducting illegal transportation of rice bags - reg.

Applicant: Sri. P.Annadwarai,20/523, Anamari Road, Nandankizhaya, Anamari.P.O, Palakkad District.

D2/82/27.3/STA/2000

Decision: Heard the counsel for the permit holder and perused the connected records. The authorized representative admitted the offence and expresses the permit holder's willingness to remit the compounding fee. On a scrutiny, the STA is of opinion that there is clear violation of permit conditions u/s 86(1) (a) & (b) of MV Act 1988 and having regard to the circumstances of the case, it would not be necessary or expedient to cancel or suspend the permit of the vehicle u/s 86(5) of the MV Act since the holder of the permit agrees to pay a certain sum of money.

In this view, it is decided to charge an amount of Rs.10000/- towards compounding fee u/s 192 of MV Act 1988 for the detection of illegal transportation of rice bags.

Item No.5

Agenda: To consider the joint application for transfer of permit No. 84/STA/85 valid upto 30.10.2021 covered by the S/C KL 09 AA 8060 operating on the interstate route Thrissur-Pollachi via Vadakkancherry, Ayalur, Nenmara, Kollengode and Govindapuram on single point tax basis.

Applicants: 1) Managing Partner, Nallappa Transports, Pollachi, (Branch) Kollengode, (Old Bazaar), Thrissur Road, Kollengode – 678 506
2) Smt. Nandini.R, 80, Arumugam Nagar 2, Mahalingapuram, Pollachi, Tamilnadu(temporary address- Chulliyarmedu, 16/1, Muthalamada, Chittur, Palakkad 678507

D2/3/17.6/STA/1999

Decision: Heard the counsel for the applicants and perused the connected records. The route Thrissur-Pollachi via Vadakkancherry, Ayalur, Nenmara, Kollengode and Govindapuram finds a place in the Interstate Agreement as per SI No. 23, Part B of ISA 1976. The Joint application for transfer of Permit No. 84/STA/85 valid upto 30.10.2021 covered by S/c KL 09 AA 8060 is granted subject to the countersignature from the STA Tamilnadu on single point tax basis.

Item No. 6

Agenda: To consider the Joint Application for countersignature of transfer of Primary Permit No. 57/1999-2000 issued by Karnataka STA valid upto 31.12.2019 operating by the S/C KA 21 A 4094 on the Interstate route Puttur to Kasaragod via Vittala (2 RT) on Single Point tax basis

Kerala Permit No. 4(A)/STA/1989 is also valid upto 31.12.2019.

Applicant: 1) Sri.Jagannath Salian,Amith Compund,Abhijith House,Car street,Vittal.P.O Bantwal Tq, D.K 574 243

2) Sri.K.T.Rajashekar, Prop.SRS Travels,#321 TSP Road,Opp BMC Kalasipalyam,Bengaluru 560002.

D2/6/30.12/STA/1999

Decision: Heard the counsel for the applicant and perused the connected records. The route Puttur to Kasaragod via Vittala finds a place in the Interstate agreement vide SI No. 7, Appendix-I and Appendix-III of ISA 1976. The ACT and Secretary, State Transport Authority, Karnataka vide order No. TC/STA-5/TR - PR- 26/2018-19 dtd: 29.10.2018 had granted transfer of primary permit no. 57/1999-2000 in respect of S/c KA 21 A 4094 on 29.10.2018. Joint application for countersignature of transfer of permit no 4(A)/STA/1989 valid upto 31.12.2019 is granted on single point tax basis.

Item No.7

Agenda: 1)To consider the application for Counter signature of permit renewal in respect of vehicles KA 01 AB 1078 & KA 01 AB 1079(now replaced by KA 51 AA 6114) to operate on the interstate route Mysore to Mananthavady and back Jayapura,Ramapura,H.DKote,Karapura,Bavali (1STs) per day on single point tax basis

2)To consider the application for countersignature of replacement in respect of S/c KA 01 AB 1079 by another S/c KA 51 AA 6114 to operate on the interstate route Mysore to Mananthavady on single point tax basis

Applicant: Sri.K.T.Rajashekar, Prop: SRS Travels, No. 321, TSP Road, Opp. Bangalore Medical College, Kalasipalayam, Bangalore- 560002

D2/23512/STA/2008

Decision: Heard the counsel for the applicant and perused the connected records. The STA, by complying the order of the Hon'ble High Court in WP (C) No.17426 of 2013, in its earlier decision dated 14.06.2017, decided to grant countersignature of permit to S/C KA 01 AB 1079 on the interstate route Mysore- Mananthavady using the same permit (ie, Permit No.5/STA/98) covered by S/C KA 01 AB 1078 so that the operator can use two vehicles for the same permit on the same route with the following conditions:

- 1) Each vehicle have a specific tie sheet to this permit and make sure that only one vehicle included in this permit shall be operated in Kerala at a time.
- 2) The entry and exit of these vehicles shall be recorded separately at Motor vehicle check post
- 3) The place of garage of these vehicles in Kerala shall be intimated to the STA Kerala and RTO Wayanad. Any change in the proposed garage shall be intimated before 7 days from the date of such changes.

S/C KA 01 AB 1078 is conducting one single trip per day on the interstate route Mysore- Mananthavady on single point tax basis. The route Mysore- Mananthavady included in the ISA vide Sl. No.1 of Appendix III dated 29.06.1976.

The Additional Commissioner for Transport and Secretary, KSTA, Bangalore had granted replacement of S/C KA 01 AB 1079 by S/C KA 51 AA 6114 vide order no.STA-6/REPL/PR-III/2017-18 dated 13.07.2017.

The Additional Commissioner for Transport and Secretary, KSTA, Bangalore had granted renewal of primary permit no.47/1998-99 in respect of S/C KA 01 AB 1078 and permit no.27/2007-08 in respect of

S/C KA 51 AA 6114 vide order no.CT/STA-5/RENL/PR-219/2018-19 and CT/STA-5/RENL/PR-220/2018-19 dated 26.12.2018 respectively.

In the above circumstances, application for the countersignature of

- (1) replacement of S/C KA 01 AB 1079 by S/C KA 51 AA 6114 and renewal of countersignature of interstate permit 5/STA/98 covered by Stage Carriages KA 01 AB 1078 and KA 51 AA 6114 granted as instructed by the Hon'ble High Court in WP (C) No.17426 of 2013 dated 19.12.2016 from 01.01.2019 to 31.12.2023 on the interstate route Mysore- Mananthavady on single point tax basis subject to the conditions already issued by the STA in its decision dated 14.06.2017 in item no.18.
- (2) Application for the temporary permit u/s 87 (1) d of MV Act in respect of S/C KA 01 AB 1078 granted for 4 months from 01.01.2019 on the interstate route Mysore- Mananthavady on single point tax basis.

Item No.8

Agenda: To consider the application for the grant of license of renting motor cabs - reg.

Applicant: The Managing Director, EVM Passenger Cars India Pvt. Ltd.

D1/e-61986/STA/2018

Decision: Heard the applicant, perused the connected records and inspection reports submitted by the Deputy Transport Commissioners Thiruvananthapuram and Ernakulam. It is found that the provisions under Section 5 (i) to (vii) of 'Rent a Cab Scheme, 1989' comply satisfactorily in the case of M/s EVM Passenger Cars India Pvt. Ltd. Hence the application from the Managing Director, M/s EVM Passenger Cars India Pvt. Ltd. for the grant of licence under 'Rent a Cab Scheme, 1989' is granted.

Item No.9

Agenda: To consider the application for the grant of branch office license of renting motor cars - reg.

Applicant: Managing Director, M/S Trustpilot Trans & Trades PVT. LTD

D1/e-30894/STA/2017

Decision: Heard the applicant, perused the connected records and inspection report submitted by the Deputy Transport Commissioner, North Zone, Kozhikode and found that the proposed organization satisfactorily complies the provision made under 'Rent a Cab Scheme, 1989'. Hence the application for the grant of branch office licence at Perambra is granted.

Department Item No.1

Agenda :-
1. To peruse the judgment of the Hon'ble High Court in WP(C) No.24680 of 2017 and connected 22 cases dated 15/10/2018.
2. To reconsider the decision of the STA in its meeting held on 14/06/2017 in fixing the age limit for Stage Carriages in applying and granting fresh regular Stage Carriage permits.

Notice to :-
1. Sri.Suneesh, S/o.Sahanan, Thettiyl house, Panangad P O, and 86 others in connection with the 22 other cases.
2. The Managing Director, KSRTC, Thiruvananthapuram.
3. The Secretary, Eranakulam District Private Bus Operators Association, Angamally.
4. The Kerala State Private Bus Operators Federation, Thrissur
5. All Kerala Bus Operators Organisation, Palakkad.
6. Kerala State Private Bus Operators Federation, Anandavalleswaram, Kollam and others

D2/27925/STA/2015

Decision: Perused the judgment in WP(C) No.24680 of 2017 and connected 22 cases, heard the affected parties including the Stage Carriage operators in the State, Counsel for the operators, various organizations in the private stage carriage sector and KSRTC.

Perusing the judgment of the Hon'ble High Court in WP(C) No.24680 of 2017 and connected 22 cases, reconsidered the decision dated 14.06.2017 of the STA, Kerala. While on hearing various stage carriage operators, organizations in the stage carriage sector and authorized representatives of the MD, KSRTC were expressed their views and conditions in fixing the age limit for stage carriages in applying and granting fresh regular stage carriage permits as follows:

1. The STA had no power or jurisdiction to take such a decision.
2. No scientific study has been conducted on the issue and not ascertain the criteria (why should impose another description on the age limit) on the matter.
3. CF of the vehicle renewed every year. If the Rules and Regulations made under the MV Act and Rules were strictly imposed, there will not arise any safety problem.
4. Encourage new comers in the sector.
5. Retain the decision of the STA dated 14.06.2017 in this matter.
6. The Counsel for the MD, KSRTC has pointed out that as per Kerala Motor Vehicles Rule 260 A, a stage carriage older than five years from the date of its registration shall not be permitted to be operated as fast passenger service. Later the Government have amended the Rule 260 A of KMVR vide GO (P) No.43/2018/Tran in SRO No.900/2018 dated 01.12.2018 to enhance the age limit of Super Fast Services and Fast Passenger Services in the State from five years to seven years.

In the above circumstances, the Super Class Services owned by KSRTC will be found to change its Services as LSOS/ Ordinary Services within 5 or 7

years. Moreover, Government vide GO (P) No.73/2013/Tran dated 16.07.2013 and clarification in letter no.B1/118/2018/Tran dated 05.05.2018 allowed area permit to the super class services owned by KSRTC without specifying the area of operation and also to issue permit with endorsement that the permit is valid without renewal. If the restriction in the decision dated 14.06.2017 will be implemented in the same manner, it is difficult to earn LSOS/ ordinary permit to these vehicles owned by the KSRTC. Hence representative of KSRTC requested to exempt the super class services conducting service on the notified routes owned by KSRTC within the purview of the decision dated 14.06.2017 or to fix the age limit for applying and granting fresh permit to the Super Class Services owned by KSRTC as 8 years from the date of registration of the vehicle.

Verified the arguments presented by the various operators in the stage carriage sector and KSRTC in detail and following aspects were considered to reach the decision.

1. Due to the long term use of the vehicle, there will be corrosion on the over all parts of the body of the vehicle and also diminishes the engine capacity of the vehicle which lead to accidents. Every year new model vehicles are introduced by manufactures giving prime importance to the comfort and safety of the passengers including other road users. The technological changes also cause non availability of spare parts and components of old vehicles which adversely affect the maintenance of these vehicles. This imposes harmful effects to road safety. Imposing restrictions on the age of the vehicle for grant of new permits in the long run will gradually and definitely reduce the number of old vehicles being used as stage carriages.
2. The existing operators would have to face huge financial difficulties, if the existing permits are attached with such a condition. This would adversely effect the industry. Besides, as such a condition was not imposed at the time of issuing of their permits, it wouldn't be possible and reasonable to impose such a condition now. Whereas new entrants to this industry who are seeking fresh

permits can definitely be imposed with such a condition so that the pollution be brought to the minimum and the safety of the road users be assured.

3. Air pollution caused by the toxic gases ejected by the old vehicles also causes serious environmental problems. Introduction of new vehicles and gradual withdrawal of old vehicles from public roads can create a long reaching effect in the reduction of pollution and thereby safeguard the health of future generations.
4. As per Section 72(2) the RTA's are empowered to grant permit for the stage carriage of a specified description when it decides to grant a stage carriage permit. As "specified description" has been defined by the Hon'ble Supreme Court. The Hon'ble Supreme Court in CA No.5227/2003 dated 04/08/2010 [2010(4)KLT 597SC] *has held that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicles can cause accidents and inconvenience and therefore, the authorities under the MV Act 1988 are perfectly justifies in placing such restriction for grant of the permit."* Hence the RTAs are empowered to restrict the age of vehicle for grant of stage carriage permit. As per Section 68(3)(a) the State Transport Authority is empowered to coordinate and regulate the activities and policies of the RTAs of the State. Hence the STA is empowered to fix/restrict the age of the vehicle for grant of stage carriage permit as the intention is only to bring in a consensus regarding the same.
5. The aspects put forward by the R&D Team constituted by the Department were also considered by the STA. The report emphasizes the negative impact on the transporting system, both Government and Private sector, to the general public as they expect more efficient, adequate, modern and safe road transportation system.

Government vide GO (P) No.43/2018/Tran dated 01.12.2018 enhanced the age limit of Super Fast Services and Fast Passenger Services in the State from five years to seven years. Besides, the enhancement of total life span of stage carriages is under the consideration of Government. Considering the above aspects, STA decided to re fix the upper age limit for applying and granting fresh regular permit to Ordinary, City/ Town and LSOS Stage Carriages as 8 years.

Sd/-

Chairman & Members,
State Transport Authority, Kerala