

**PROCEEDING OF THE 300TH VIRTUAL MEETING OF STA, ODISHA,
CUTTACK HELD ON 24.03.2023.**

MEMBERS PRESENT:-

- | | | | |
|---|------|------|----------|
| 1- Shri Arun Bothra, IPS
Transport Commissioner, Odisha | ... | ... | Chairman |
| 2- Shri Indramani Nayak, OAS (SAG)
Addl. Commissioner Transport (Admn)
I/C-Secretary, STA | ... | ... | Member |
| 3- Shri Somit Mitra | ... | ... | Member |
| 4- Shri Keshab Chandra Muduli,
Deputy Secretary to Govt., C & T (T) Dept. | | | Member |

At the outset, the Chairman, STA welcomed all the members of the STA to the 300th virtual meeting of STA.

Proceedings of the 299th virtual meeting of State Transport Authority held on 20.01.2023 circulated among all the members vide this Office Memo No.1170/TC dated 20.01.2023 is confirmed as no objections have been received.

Action taken by Chairman, STA, Secretary, STA and Joint Secretary, STA as per delegation of powers by STA for the period from 20.01.2023 to 23.03.2023 are approved.

INTER-STATE ROUTES (SINGLE APPLICATIONS)

ITEM NO.1.1:- BARPALI TO RAIPUR VIA.SOHELA, ARANGA & BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 05.03.2023 inviting applications for grant of permanent stage carriage permit in the interstate route **Barpali to Raipur via.Sohela, Aranga & back, Sekh Samsuddin**, owner of vehicle No.**OD17Z-9242** has filed application for grant of permanent permit in the aforesaid route.

Applicant Sekh Samsuddin, owner of vehicle No.**OD17Z-9242** was represented by advocate Sri Ajay Kumar Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.



As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation, it is decided to grant permanent stage carriage permit to Sekh Samsuddin, owner of vehicle No.**OD17Z-9242** in the Interstate route **Barpali to Raipur via.Sohela, Aranga & back** as ordinary service, to perform two single trips daily, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Chhatisgarh. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.1.2:- NRUSINGHANATH TO RAIPUR VIA. NUAPADA, KHARIAR ROAD, MAHASAMUND AND BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **05.03.2023** inviting applications for grant of permanent stage carriage permit in the interstate route **Nrusinghanath to Raipur via.Nuapada, Khariar Road, Mahasamund** and back, **Sri Samarendra Kumar Panda**, owner of vehicle No.**OD17Q-5568** has filed application for grant of permanent permit in the aforesaid route.

Applicant, **Sri Samarendra Kumar Panda**, owner of vehicle No.**OD17Q-5568** was represented by advocate Sri Ajay Kumar Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sri Samarendra Kumar Panda**, owner of vehicle No.**OD17Q-5568** in the Interstate route **Nrusinghanath to Raipur via.Nuapada, Khariar Road, Mahasamund** and back to



perform two trips daily as Ordinary Service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Chhatisgarh. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.1.3:- KUCHINDA TO RAIGARH VIA.BRAJRAJNAGAR, BHIKAMPALI, KANAKTORA, RENGALPALI AND BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **05.03.2023** inviting applications for grant of permanent stage carriage permit in the interstate route **Kuchinda to Raigarh via.Brajrajnagar, Bhikampali, Kanaktora, Rengalpali and back, Sri Sanjay Kumar Kar**, owner of vehicle No.**OD23H-5996** has filed application for grant of permanent permit in the aforesaid route.

Applicant, **Sri Sanjay Kumar Kar**, owner of vehicle No.**OD23H-5996** was absent on call. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sri Sanjay Kumar Kar**, owner of vehicle No.**OD23H-5996** in the Interstate route **Kuchinda to Raigarh via.Brajrajnagar, Bhikampali, Kanaktora, Rengalpali and back** to perform two trips daily as ordinary service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Chhatisgarh. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance



should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.1.4:-JODA TO GUMLA VIA.LATHIKATA, ROORKELA, BIRAMITRAPUR AND BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 05.03.2023 inviting applications for grant of permanent stage carriage permit in the interstate route **Joda to Gumla via.Lathikata, Rourkela, Biramitrapur and back**, **Sapna Chirmaxo**, owner of vehicle No.**OD14AB-5074** has filed application for grant of permanent permit in the aforesaid route.

Applicant, **Sapna Chirmaxo**, owner of vehicle No.**OD14AB-5074** was represented by advocate Sri Sabyasachi Mishra. She has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sapna Chirmaxo**, owner of vehicle No.**OD14AB-5074** in the Interstate route **Joda to Gumla via.Lathikata, Rourkela, Biramitrapur and back** to perform one trip daily as **Ordinary Service**, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Jharkhand. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.1.5:- BOLANI TO CHAIBASA VIA.BARBIL, NALDA, BADJAMDA AND BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 05.03.2023 inviting



applications for grant of permanent stage carriage permit in the interstate route **Bolani to Chaibasa via.Barbil, Nalda, Badjamda** and back, **Sri Sarathi Mahanta**, owner of vehicle No.**OR09M-3462** has filed application for grant of permanent permit in the aforesaid route.

Applicant, **Sri Sarathi Mahanta**, owner of vehicle No.**OR09M-3462** was absent on call. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sri Sarathi Mahanta**, owner of vehicle No.**OR09M-3462** in the Interstate route **Bolani to Chaibasa via.Barbil, Nalda, Badjamda** and back to perform two trips daily as ordinary service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Jharkhand. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.1.6:- PHULBANI TO TATA VIA.BHUBANESWAR, BALASORE, BARIPADA, JAMSOLA AND BACK.

Pursuant to the advertisement published in website and daily Odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **05.03.2023** inviting applications for grant of permanent stage carriage permit in the interstate route **Phulbani to Tata via.Bhubaneswar, Balasore, Baripada, Jamsola & back**, **Sri Debendra Kumar Barik**, owner of vehicle No.**OD11B-6465** has filed application for grant of permanent permit in the aforesaid route.

Applicant, **Sri Debendra Kumar Barik**, owner of vehicle No.**OD11B-6465** was represented by advocate Sri H.P. Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.



As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sri Debendra Kumar Barik**, owner of vehicle No.**OD11B-6465** in the Interstate route **Phulbani to Tata via.Bhubaneswar, Balasore, Baripada, Jamsola & back as AC Deluxe service**, to perform single trip daily, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Jharkhand. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.1.7:- BARGARH TO SANKARA AND BACK.

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **05.03.2023** inviting applications for grant of permanent stage carriage permit in the interstate route **Bargarh to Sankara** and back, **Sk. Arif Mohammad**, owner of vehicle No.**OD17H-2134** has filed application for grant of permanent permit in the aforesaid route.

Applicant, **Sk. Arif Mohammad**, owner of vehicle No.**OD17H-2134** was represented by advocate Sri Ajay Kumar Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sk. Arif Mohammad**, owner of vehicle No.**OD17H-2134** in the Interstate route **Bargarh to Sankara** and back to perform two trips daily as ordinary service, to perform single trip daily, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Chhatisgarh. The permit holder will get the



permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

INTER-STATE ROUTES (MULTI APPLICATIONS)

ITEM NO.2.1:- NARSINGHPUR TO KOLKATA VIA.JAMSOLA AND BACK.

Pursuant to the advertisement published in website on date 09.03.2023, applications were invited for grant of permanent stage carriage permit in the interstate route **Narsinghpur to Kolkata via.Jamsola** and back.

The vacancy arose due to cancellation of permanent permit No.03-G-2020 issued in respect of vehicle No.OD05AJ-8529 in 295th STA meeting.

The following applicants have applied for grant of permanent permit on the above vacancy.

- 1- Sri Debasish Patra, owner of vehicle No.OD02AS-9195
- 2- Sri Sumeet Sahoo, owner of vehicle No.OD05BK-7165
- 3- Sri Sudhakar Sahoo, owner of vehicle No.OD05AB-6438
- 4- Sri Mahendra Nath Behera, owner of vehicle No.OD11R-4661
- 5- Sri Gajendra Nayak, owner of vehicle No.OD01AM-3166

Pursuant to the advertisement published in website and daily Odia newspaper "The Sambad" and English Newspaper "The Indian Express" on 12.02.2022 and further published in website as well as in daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 01.03.2022 and 24.03.2022 inviting applications for grant of permanent stage carriage permit in the interstate route Narsinghpur to Kolkata via.Jamsola and back which is notified vide SI No.03 of notification.

The following applicants have applied for grant of permanent permit on the above vacancy.

1. Sri Suman Swarup Parida, owner of vehicle No.OD08H-3589
2. Sri Gajendra Nayak, owner of vehicle No.OD01AM-3166



3. Sri Satya Ranjan Sahoo, owner of vehicle No.OD02AA-7857
4. Sri Mahendra Nath Behera, owner of vehicle No.OD11R-4661

All the above applications are considered together. Hearing closed.

Applicant Sri Debasish Patra, owner of vehicle No.OD02AS-9195 is represented by advocate K. Mohammad. He has submitted self declaration in Annexure-A & B and valid Bank Guarantee.

He has stated in his declaration that, he is the owner of vehicles OD05Z-9195, OR05AD-9192, OD05AM-9192 & OD05AL-0492.

As per Vahan data two e-challans vide challan No.OR9804221012042056, dated 12.10.2022 and No.OR10088220601082509, dated 01.06.2022 were drawn against vehicle No.OD05Z-9195 and OD05AL-0492 of the applicant respectively under section 192(A) of M.V Act 1988 for plying without permit and violating permit conditions which have been disposed of.

As per Vahan data, no e-challan has been drawn U/s 192(A) of M.V Act, 1988 against OD02AS-9195 owned by the applicant within one year prior to date of consideration of present application.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Debasish Patra, owner of vehicle No.OD02AS-9195 secured **25 marks**.

Applicant Sri Sumeet Sahoo is present on call. He has submitted self declaration in Annexure-A & B and valid Bank Guarantee.

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against vehicle No.OD05BK-7165 owned by the applicant within one year prior to date of consideration of present application.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Sumeet Sahoo, owner of vehicle No.OD05BK-7165 secured **85 marks**.

Applicant Sri Sudhakar Sahoo is absent on call. He has submitted self declaration in Annexure-A & B and valid Bank Guarantee.

On verification of application filed by **Sri Sudhakar Sahoo** it is found that he has submitted Annexure-A and B suppressing the fact that he is the owner of another one vehicle i.e. OD05AW-2441.



The STA after due deliberation decided to reject the application filed by **Sri Sudhakar Sahoo**, owner of vehicle No.**OD05AB-6438** for suppression of fact and submitting wrong information in Annexure-A and B.

Applicant Sri Mahendra Nath Behera is represented by advocate Sri Indrajit Pal Babu. He has submitted self declaration in Annexure-A & B and valid Bank Guarantee in both the applications filed on date 28.02.2022 & 14.03.2023.

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against vehicle No.OD11R-4661 owned by the applicant within one year prior to date of consideration of present application.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Mahendra Nath Behera, owner of vehicle No.OD11R-4661 secured **20 marks**.

Applicant Sri Gajendra Nayak, owner of vehicle No.OD01AM-3166 is represented by advocate K. Mohammad. He has submitted self declaration in Annexure-A & B and valid Solvency Certificate.

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against vehicle No.OD01AM-3166 owned by the applicant within one year prior to date of consideration of present application.

On verification of applications filed by Sri Gajendra Nayak on 28.02.2022 & 13.03.2023, it is found that, he has submitted Annexure-A & B disclosing that, he is the owner of vehicle No.OD01AM-3166 and OR01R-4557 suppressing the fact he owns another vehicle i.e.OR11D-0801.

The STA after due deliberation decided to reject both the applications filed by Sri Gajendra Nayak, owner of vehicle No.OD01AM-3166 for suppression of fact and submitting wrong information in Annexure-A and B.

Applicant Sri Suman Swarup Parida, owner of vehicle No.OD08H-3589 is absent on call. He has submitted self declaration in Annexure-A & B. The applicant has not submitted valid Bank Guarantee/Solvency Certificate.

Financial stability of the applicant cannot be adjudged in absence of Solvency Certificate/Bank Guarantee as required under Section 71 (3) (d) (i) of M.V Act, 1988. Further upon verification from Vahan database it is seen that, the ownership of the



vehicle OD08H-3589 has already been transferred to the name of Sri Akhaya Kumar Singh on 21.04.2022 by RTO, Bhubaneswar.

The STA after due deliberation decided to reject the application filed by Sri Suman Swarup Parida for non-submission of Solvency Certificate/Bank Guarantee and the fact that vehicle for which application of permit has been applied for has been sold.

Applicant Sri Satya Ranjan Sahoo, owner of vehicle No.OD02AA-7857 is represented by advocate Sri H.P. Mohanty. He has submitted self declaration in Annexure-A & B and valid Solvency Certificate (Which was placed in the 296th STA meeting held on date 07.04.2022).

As per Vahan data no e-challan has been drawn under section 192 (A) of M.V Act 1988 against vehicle No.OD02AA-7857 owned by the applicant within one year prior to date of consideration of present application.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Satya Ranjan Sahoo, owner of vehicle No.OD02AA-7857 secured **35 marks**.

In the meantime the learned advocate on behalf of Sri Madan Mohan Sahoo, owner of vehicle No.OD05AJ-8529 has filed memo and copy of order passed by Hon'ble High Court in W.P(C) No.2019 of 2023 wherein it has been ordered that, ***"taking into consideration the submission of learned counsel for the parties, this court is of the considered opinion that the decision taken pursuant to annexure-8, notification inviting application in respect of the aforesaid route shall be subject to result of the writ petition"***.

After due deliberation it is decided to grant permanent stage carriage permit to **Sri Sumeet Sahoo**, owner of vehicle No.**OD05BK-7165** in the Interstate route **Narsinghpur to Kolkata via.Jamsola** and back to perform single trip daily for a period of five years as **AC Deluxe Sleeper Service**, subject to verification of original documents submitted by him. **The permit is valid subject to grant of countersignature by STA, West Bengal shall be subject to result of W.P (C) No.2019 of 2023 pending before Hon'ble High Court.** The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan



clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.2.2:- NARSINGHPUR TO KOLKATA VIA.JAMSOLA AND BACK.

Pursuant to the advertisement published in website on date **09.03.2023**, applications were invited for grant of permanent stage carriage permit in the interstate route **Narsinghpur to Kolkata via.Jamsola** and back.

The vacancy arose due to cancellation of permanent permit No.51-R-2017 issued in respect of vehicle No.OR05AP-6346.

The following applicants have applied for grant of permanent permit on the above vacancy.

- 1- Sri Kasinath Mahala, owner of vehicle No.OD05AX-9195
- 2- Sri Puneet Sahoo, owner of vehicle No.OD05BL-7165
- 3- Sri Mahendra Nath Behera, owner of vehicle No.OD11R-4661

Pursuant to the advertisement published in website and daily Odia newspaper "The Sambad" and English Newspaper "The Indian Express" on 12.02.2022 and further published in website as well as in daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 01.03.2022 and 24.03.2022 inviting applications for grant of permanent stage carriage permit in the interstate route Narsinghpur to Kolkata via-Jamsola and back which is notified vide SI No.03 of notification.

The following applicants have applied for grant of permanent permit on the above vacancy.

- 1- Smt. Gayatri Panda, owner of vehicle No.OD05BB-5855
- 2- Sri Sapan Kumar Mishra, owner of vehicle No.OD02BV-6161

Applicant Sri Kasinath Mahala, owner of vehicle No.OD05AX-9195 is represented by advocate K. Mohammad. He has submitted self declaration in Annexure-A & B and valid Bank Guarantee.

He has stated in his declaration that, he is the owner of vehicles OR05AK-9192, OR05AS-9192, OR05AS-9195, OD05Z-9192, OD05AX-9195, OD02AS-9192, OD05R-9192 & OD05AE-9192 suppressing the fact that he is the owner of two other vehicles i.e.OR11A-2269 & OR05L-7835.



As per Vahan data three numbers of e-challan vide challan No.OR9850220822072749, dated 22.08.2022, OR24236220909002013, dated 09.09.2022 and OR66552220906234400, dated 06.09.2022 have been drawn against vehicle No.OD05AX-9195 & OR05AS-9192 respectively of the applicant drawn under section 192 (A) of M.V Act 1988 for plying without permit and violating permit conditions.

As per decision taken in 291st STA meeting, no permit shall be granted to vehicle for one year against which VCR/e-challan was drawn U/s 192 (A) of M.V Act 1988. Since the applicant operated his vehicle without permit/violating permit conditions, his past performance as stage carriage operator is found not satisfactory and not congenial to traveling public. It was decided to reject the application of Sri Kashinath Mahala in respect of vehicle No.OD05AX-9195. No permit will be granted to vehicle No.OD05AX-9195 for a period of one year.

STA after due deliberation decided to reject the application filed by Sri Kasinath Mahala owner of vehicle No.OD05AX-9195 for suppression of facts and violation of permit condition.

Applicant Sri Puneet Sahoo, owner of vehicle No.OD05BL-7165 is present on call. He has submitted self declaration in Annexure-A & B and valid Bank Guarantee.

As per Vahan data, no e-challan has been drawn U/s 192 (A) of M.V Act, 1988 against OD05BL-7165 owned by the applicant within one year prior to date of consideration of present application.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Puneet Sahoo, owner of vehicle No.OD05BL-7165 secured **85 marks**.

Applicant Sri Mahendra Nath Behera, owner of vehicle No.OD11R-4661 in represented by advocate Sri Indrajit Pal Babu. He has submitted self declaration in Annexure-A & B and valid Bank Guarantee.

As per Vahan data, no e-challan has been drawn U/s 192 (A) of M.V Act, 1988 against OD11R-4661 owned by the applicant within one year prior to date of consideration of present application.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Mahendra Nath Behera, owner of vehicle No.OD11R-4661 secured **20 marks**.



Applicant Smt. Gayatri Panda, owner of vehicle No.OD05BB-5855 is absent on call. She has submitted self declaration in Annexure-A & B. She has not submitted Bank Guarantee/Solvency Certificate.

Financial stability of the applicant cannot be adjudged in absence of Solvency Certificate/Bank Guarantee as required under Section 71 (3) (d) (i) of M.V Act, 1988.

The STA after due deliberation decided to reject the application filed by Smt. Gayatri Panda, owner of vehicle No.OD05BB-5855 for non-submission of Solvency Certificate/Bank Guarantee.

Applicant Sri Sapan Kumar Mishra, owner of vehicle No.OD02BV-6161 is absent on call. He has submitted self declaration in Annexure-A & B. He has not submitted Bank Guarantee/Solvency Certificate.

Further upon verification it is seen that, permanent permit No.24-G-2022 has been issued in favour of Sri Sapan Kumar Mishra in respect of vehicle No.OD02BV-6161 to operate in the Interstate route Bhubaneswar to Chinsurah via.Laxmannath & back w.e.f.18.10.2022 to 17.10.2027.

The STA after due deliberation decided to reject the application filed by Sri Sapan Kumar Mishra, owner of vehicle No.OD02BV-6161 as he is holding permanent permit No.24-G-2022 against same vehicle.

Learned advocate on behalf of Sri Siddhartha Kumar Sahoo, owner of vehicle No.OR05AP-6346 has furnished a memo and copy of order passed by Hon'ble High Court of Orissa in W.P (C) No.2015 of 2023 wherein it has been ordered that, **"as an interim measure, it is directed that, any decision taken with regards to consideration of application of Interstate route from Narsinghpur to Kolkata via.Jamsola & back shall be subject to result of the writ petition"**.

After due deliberation it is decided to grant permanent stage carriage permit to **Sri Puneet Sahoo**, owner of vehicle No.OD05BL-7165 in the Interstate route **Narsinghpur to Kolkata via.Jamsola** and back for a period of five years to perform single trip daily as **AC Deluxe Sleeper Service**, subject to verification of original documents submitted by him. **The permit will be valid subject to grant of countersignature by STA, West Bengal and shall be subject to result of W.P (C) No.2015 of 2023 pending before Hon'ble High Court.** The permit holder will get the permit countersigned within 90 days



failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

INTERSTATE CASE MATTER

ITEM NO.3.1:- CANCELLATION OF PERMANENT PERMIT BEARING NO.57-R-2017 ISSUED TO VEHICLE NO.OR02AS-8229 OPERATING IN THE INTERSTATE ROUTE CHANDBALI TO KOLKATA VIA.LAXMANNATH & BACK.

Permanent permit No.57-R-2017 has been issued in favour of Sri Rabindra Kumar Das in respect of vehicle No.OR02AS-8229 to operate in the Interstate route Chandbali to Kolkata via.Laxmannath & back w.e.f.05.01.2018 to 04.01.2023 and Secretary, STA, West Bengal was requested to countersign the above permit for smooth operation of vehicle.

The learned advocate on behalf of Sri Das has filed an application for grant of permit in respect of the above mentioned vehicle. He has stated in his petition that, the owner Sri Rabindra Kumar Das is more than 72 years old and finance companies / Banks are reluctant to finance him for a higher model vehicle. Further the vehicle OR02AS-8229 has already completed 15 years of its life.

On verification from Vahan-4 database, it is seen that the vehicle OR02AS-8229 has been kept off-road for the period from 01.04.2018 to 30.06.2018 (three months), 01.11.2018 to 31.10.2019 (one year), 01.04.2020 to 30.06.2020 (three months), 01.08.2020 to 31.10.2020 (three months) and 01.05.2021 to 31.10.2021 (six months). While computing the off-road period of vehicle after excluding the period of COVID-19 i.e.01.01.2020 to 31.10.2021, the total period of off-road comes to one year and three months i.e.01.04.2018 to 30.06.2018 and 01.11.2018 to 31.10.2019.

STA in its 291st meeting held on date 19.02.2020 has decided that, **“where the vehicle for which permanent stage carriage permit was issued in a route/routes had been declared off-road for a period of one year during currency of permit in different spells, renewal of such permit shall not be considered. Besides, steps will**



also be taken for cancellation of permit before its expiry U/s 86 of M.V Act 1988. The permit holder will furnish/upload self declaration in Annexure-C at the time of making application for renewal of permit".

Advocate Sabyasachi Mishra, appeared for Sri Rabindra Kumar Das and submitted that show cause notice has not been served upon Sri Das for which he could not file his show cause. He prayed for time.

After due deliberation it was decided that show cause notice be served upon the Advocate for Sri Rabindra Kumar Das. The matter is deferred to next STA meeting.

ITEM NO.3.2:- OBJECTION AGAINST SMT. PUSPANJALI GAANA, OWNER OF VEHICLE NO.OD01AC-7171.

Heard Sri D.B. Das, Advocate for Smt. Puspanjali Gaana. The objector Subrat Shee is absent on call.

Permanent permit No.15-G-2019 has been issued in favour of Smt. Puspanjali Gaana in respect of vehicle No.OD01AC-7171 to operate in the Interstate route Puri to Tamluk via.Balasore, Haladipada, Solepeta, Egra, Bhagabanpur, Bajkul & back w.e.f.09.07.2019 to 08.07.2024.

An objection has been filed by the learned advocate for Sri Subrat Shee, owner of vehicle No.WB76A-5337 for non-mentioning of stoppage Bhagabanpur in part-A & B of the permit for which Smt. Puspanjali Ganna operating her vehicle via.Henria instead of Bhagabanpur while plying from Egra to Bajkul creating disturbance for smooth plying of the vehicle of the objector.

It is pertinent to mention here that, the Deputy Secretary, STA, West Bengal had intimated this authority regarding non-plying of the vehicle OD01AC-7171 as per the granted route & timings and had requested this authority to take necessary action. Accordingly, Smt. Gaana was intimated vide letter No.15237/TC, dated 05.11.2022 to operate in the existing route as per alignment and timing or else the permit shall be cancelled.

Smt. Gaana was directed to submit the original copy of P.P. No.15-G-2019 for endorsement of the stoppage "Bhagabanpur" in part-A & B of the permit. She has not surrender the permit for endorsement of stoppage "Bhagabanpur" as per Reciprocal Transport Agreement. She prayed for change of alignment of the route Puri to Tamluk via.Bhupatinagar instead of Bhagabanpur.



Considering submission made by parties, it was decided to reject the prayer made by Smt. Puspanjali Gaana that change of alignment of route Puri to Tamluk as same has not been notified under Section 88 (6) of M.V. Act, 1988 in the Reciprocal Transport Agreement. The stoppage "Bhagabanpur" be inserted in the permit issued to Puspanjali Gaana in the interstate route Puri to Tamluk in terms of Reciprocal Transport Agreement. The permit holder is directed to submit original part-A and B permit for necessary correction failing which the matter may be placed in the next STA meeting for cancellation of permanent permit for plying his vehicle unauthorisedly.

ITEM NO.3.3:- PURI TO KOLKATA VIA.LAXMANNATH AND BACK.

The matter was placed in the 296th, 297th and 298th STA meeting and decision deferred due to pendency of M.V. appeal No.05 of 2022 before Hon'ble STAT.

The matter will be placed in the next STA meeting for decision.

ITEM NO.3.4:- OBJECTION FILED BY SUSHAMA RANI BISWAL AGAINST ADITY GHOSH, OWNER OF VEHICLE NO.WB-41K-0505 IN THE ROUTE KOLKATA TO CHANDIPUR.

Heard Sri D.B. Das, Advocate for objector Sushama Rani Biswal and Sri Budhadeb Routray, Sr. Advocate on behalf of opp. party Adity Ghosh.

Objector's case is that she has obtained permanent permit from STA, Odisha since 2008 and operating in the interstate route Chandipur to Kolkata in respect of vehicle OD01U-0088 with particular set of timing which has been countersigned by STA, West Bengal. Between the parties, Objector is the senior operator and the opp. party is subsequent entrant. Objector's vehicle departs Chandipur at 05.30 hrs, reaches Kolkata at 10.55 hrs, departs Kolkata at 17.30 hrs, reaches Chandipur at 23.15 hrs and makes night halt at Chandipur.

Opp. party's vehicle departs Chandipur at 04.20 hrs, reaches Kolkata at 10.00 hrs, departs Kolkata at 05.30 hrs, reaches Chandipur at 11.00 hrs and makes night halt at Chandipur. The opp. party has obtained permanent permit from STA, West Bengal in the interstate route Kolkata to Chandipur which was countersigned by STA, Odisha. The opp. party's service is plying ahead of objector's service by availing prior timing for which the objector is sustaining heavy financial loss. Being the senior operator, the objector is entitled to avail priority on timing over the opp. party as per settled position of law laid



down by Hon'ble High Court in OJC No.6738 of 1995 and decision reported in 89 (2000) CLT 788 and in other cases in which it was held that the principle, that the prior to permit holders is to be normally followed.

Secondly, in the Reciprocal Transport Agreement executed between Odisha and West Bengal, published in the year 2009, in clause 1 (A) (f) it has been mentioned that "In case of a stage carriage making two trips per day, the stage carriage shall start its journey from the home State and shall make night halt in the home State." The opp. party is a West Bengal nominee and her "Home State" is West Bengal. Therefore, service of opp. party should make night halt at Kolkata, in terms of Reciprocal Transport Agreement.

Terms and conditions of notification issued by Government of Odisha under Section 88 (6) of M.V. Act, 1988 on 16.02.2009 was published in the Extraordinary issue of Odisha Gazette No.605 dated 15.05.2009 is applicable to all other previous agreements for the purpose of amending the principal Reciprocal Transport Agreement and subsequent agreements.

He submitted that timing of the opp. party's vehicle can be revised by the STA, Odisha under Section 72 (2) (xxii) of M.V. Act, 1988.

Advocate for the opp. party submitted that the opp. party has obtained permanent permit in the interstate route Kolkata to Chandipur issued by STA, West Bengal and countersigned by STA, Odisha. Timing has been granted to opp. party keeping in view interest of travelling public and the fact that major portion of the route is around 185 kms lies in West Bengal and only 72 kms lies in Odisha.

Section 88 (3) of M.V. Act, 1988 provides that "A Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit and may likewise vary any condition attached to the permit by the authority by which the permit was granted."

Once STA, Odisha exercised its right under statute and granted countersignature to the permit granted to opp. party, the STA, Odisha becomes functus officio and cannot revise the timing granted to the opp. party.

The STA does not have any inherent power to review its own order except for correcting minor changes like clerical errors, typographical errors, mathematical errors



etc. Provision contained under Section 72 (2) (xxii) of M.V. Act, 1988 cannot be pressed into service in the present case. The STA, West Bengal being the primary permit granting authority, can only revise the timing under the said provision.

With regard to objection raised by objector regarding timing issued to opp. party, there is sufficient gap between services operated by the parties to ensure objector's interest and she is not prejudiced.

The opp. party obtained permanent permit from STA, West Bengal in the route Kolkata to Chandipur on the basis of Reciprocal Transport Agreement executed between Odisha and West Bengal in the year 1986. Terms and conditions incorporated in the Reciprocal Transport Agreement published in the year 2009 cannot have any retrospective effect so as to add a new condition on a permit issued under the old agreement. There is no scope for the opp. party to operate from Kolkata.

It is not disputed that the opp. party obtained permanent permit from STA, West Bengal to operate in the interstate route Kolkata to Chandipur which has been countersigned by STA, Odisha on the basis of Reciprocal Transport Agreement published in the year 1986.

In the notification dated 16.02.2009 issued by the Commerce and Transport (Transport) Department, Government of Odisha under Section 88 (6) of M.V. Act, 1988 it has been mentioned that :-

"And Whereas, a reciprocal transport agreement (hereinafter called the principal agreement) was entered into between the two States and the terms and conditions of such agreement were published in the extraordinary issue No.1476 of the Orissa Gazette, dated the 9th November, 1977 in the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No.15390-L.C.VII-RA-9/77-T dated the 5th November, 1977.

And, whereas, the principal agreement is being amended from time to time by executing Supplementary Reciprocal Transport Agreement.

Xx xx xx."

Clause 1 (A) (f) "In case of a stage carriage making two trips per day, the stage carriage shall start its journey from the home State and shall make night halt in the home State."



Xx xx xx xx.”

In view of explicit clause mentioned in the 2009 notification issued by Government of Odisha (supra), Clause 1 (A) (f) thereof is applicable to all previous notifications from 1977 onwards under which permits are granted / countersigned by reciprocating States. The contention of the opp. party that she had obtained permanent permit in the interstate route in question from STA, West Bengal on the basis of 1986 agreement, conditions incorporated in 2009 agreement cannot have retrospective effect is not tenable and hereby rejected.

As regards revision of timing of opp. party and applicability of Section 88 (3) of M.V. Act, 1988, relevant provision of Code of Civil Procedure is reproduced below.

“Hon’ble Supreme Court in Ajantha Transports Vrs. T.V.K. Transports reported in AIR 1975 SC 123 held that “Relevance or otherwise of one or more grounds of grant or refusal of a permit could be a jurisdictional matter. A grant or its refusal on totally irrelevant grounds would be ultra vires or a case of excess of power. If a ground which is irrelevant is taken into account with others which are relevant or, a relevant ground, which exists, is unjustifiably ignored, it could be said to be case of exercise of power in a manner which suffers from a material irregularity. But will be covered by Section 115, Civil Procedure Code.”

On conjoint reading of section 114 and 115 and Rule 1 of Order XLVII of Civil Procedure Code it can be safely concluded that review can be made on following grounds.

- (a) The discovery of new and important matter of evidence; or
- (b) Some apparent mistake or error on the face of the record; or
- (c) Any other sufficient reasons.

In the present case while granting countersignature of permit granted to opp. party by the STA, West Bengal during 2022, inadvertently condition incorporated in clause – 1 (A) (f) of 2009 Reciprocal Transport Agreement was not examined which is apparent error on the face of record. Such mistake was brought to the notice of this authority by the objector by filing objection.

Having heard learned counsel for parties and upon perusal of records, after due deliberation it was decided that the opp. party being the West Bengal based permanent



permit holder and obtained permit from STA, West Bengal in the interstate route Kolkata to Chandipur, shall have to start its journey from Kolkata and make night halt at Kolkata after completion of journey with following set of timing in terms of Reciprocal Transport Agreement in the interest of travelling public.

ARR.	DEP.	STATION	ARR.	DEP.
--	05.30 AM	Kolkata	22.00 PM	Night Halt
07.55 AM	08.00 AM	Kharagpur	19.25 PM	19.30 PM
08.55 AM	09.00 AM	Jaleswar	18.25 PM	18.30 PM
10.00 AM	10.05 AM	Balasore	17.15 PM	17.30 PM
11.00 AM	--	Chandipur	--	16.20 PM

ITEM NO.3.5:-CANCELLATION OF ALL INDIA TOURIST PERMIT GRANTED TO SUBASH CHANDRA PATTNAYAK, OWNER OF VEHICLE OD07AE-9181.

Heard Sri K. Mohammad, Advocate for Sri M. B. K. Rao, Advocate. He submitted that on the basis of show cause filed by the permit holder, the matter may be disposed of.

All India Tourist Permit No.365/G/2020 was issued to Subash Chandra Pattnayak, owner of vehicle OD07AE-9181 valid from 09.09.2020 to 08.08.2025. During checking by Enforcement Officer, it was detected that the vehicle was operating as stage carriage violating permit conditions for which following e-challans issued under Section 192(A) of M.V. Act, 1988.

Sl. No.	e-challan no.	Date	Offence	Nature of violation
1	OR147876221220114028	17.01.2023	177,179(1), 180,181,192(A)	Violating permit condition, DL, General offence.
2	OR15182220920081818	20.09.2022	192 (A)	Violating permit condition,
3	OR9790220729073356	29.07.2022	192 (A)	Violating permit condition

Show cause filed by the permit holder has been duly considered. The vehicle No.OD07AE-9181 was registered as Contract Carriage.

Excerpts of Section 2 (7) of M.V. Act, 1988 is reproduced below for better appreciation.

"(7) "contract carriage" means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—

(a) on a time basis, whether or not with reference to any route or distance; or

(b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes—

(i) a maxicab; and

(ii) a motorcab notwithstanding the separate fares are charged for its passengers;

The vehicle OD07AE-9181 of the permit holder was detected picking up and setting down passengers enroute violating permit conditions. The permit holder was using the vehicle not authorized by the permit.

The STA after due deliberation decided to cancel the tourist permit under Section 86 (1) (b) of M. V. Act, 1988 for violating permit conditions. It was decided that no permanent / temporary tourist / contract carriage permit shall be granted by STA / RTAs online / offline to Sri Subash Chandra Pattnayak, owner of vehicle OD07AE-9181 for a period of one year as decided by STA in its 298th meeting held on 09.01.2023.

NIC may be requested to take steps not to process application for any contract / tourist permit online for a period of one year.

ITEM NO.3.6:-CANCELLATION OF ALL INDIA TOURIST PERMIT GRANTED TO URMILA MAHALA, OWNER OF VEHICLE OD05AX-9192.

Heard Sri K. Mohammad, Advocate for Sri M. B. K. Rao, Advocate. He submitted that on the basis of show cause filed by the permit holder, the matter may be disposed of.

All India Tourist Permit No.OR2021-AITP-0036A was issued to Urmila Mahala, owner of vehicle OD05AX-9192 valid from 28.10.2021 to 27.10.2026. During checking by Enforcement Officer, it was detected that the vehicle was operating as stage carriage violating permit conditions for which following e-challans issued under Section 192(A) of M.V. Act, 1988.



Sl. No.	e-challan no.	Date	Offence	Nature of violation
1	OR139956221005152111	05.10.2022	190,192(A)	Violating permit condition, Air & Noise pollution
2	OR38781220809121220	09.08.2022	183(2)	Driving Licence, excess speed

Show cause filed by the permit holder has been duly considered. The vehicle No.OD05AX-9192 was registered as Contract Carriage.

Excerpts of Section 2 (7) of M.V. Act, 1988 is reproduced below for better appreciation.

“(7) “contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—

(a) on a time basis, whether or not with reference to any route or distance; or

(b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes—

(i) a maxicab; and

(ii) a motorcab notwithstanding the separate fares are charged for its passengers;

The vehicle OD05AX-9192 of the permit holder was detected picking up and setting down passengers enroute violating permit conditions. The permit holder was using the vehicle not authorized by the permit.

The STA after due deliberation decided to cancel the tourist permit under Section 86 (1) (b) of M. V. Act, 1988 for violating permit conditions. It was decided that no permanent / temporary tourist / contract carriage permit shall be granted by STA / RTAs online / offline to Sri Urmila Mahala, owner of vehicle OD05AX-9192 for a period of one year as decided by STA in its 298th meeting held on 09.01.2023.

NIC may be requested to take steps not to process application for any contract / tourist permit online for a period of one year.

ITEM NO.3.7:-CANCELLATION OF ALL INDIA TOURIST PERMIT GRANTED TO SUSIM KANTI MOHANTY, OWNER OF VEHICLE OD02BG-0557.

Heard Sri L.K. Maharana, Advocate for permit holder. He submitted that e-challans drawn against Susim Kanti Mohanty, owner of vehicle OD02BG-0557 are not yet adjudicated. He has filed writ petition before Hon'ble High Court challenging drawal of

e-challans which is pending. Till disposal of writ petition filed by the permit holder, All India Tourist Permit held by the petitioner cannot be cancelled.

Learned Advocate for the permit holder has not produced copy of order passed by Hon'ble High Court restraining this authority to proceed with the matter.

All India Tourist Permit No.OR2021-AITP-0022A was issued to Susim Kanti Mohanty, owner of vehicle OD02BG-0557 valid from 05.10.2021 to 04.10.2026. During checking by Enforcement Officer, it was detected that the vehicle was operating as stage carriage violating permit conditions for which following e-challans issued under Section 192(A) of M.V. Act, 1988.

Sl. No.	e-challan no.	Date	Offence	Nature of violation
1	OR15906221223211023	23.12.2022	192 (A)	Violating permit condition
2	OR9790221104070148	04.11.2022	178,192 (A)	Violating permit condition, not issue ticket.
3	OR15906221012073658	12.10.2022	192 (A)	Violating permit condition

Show cause filed by the permit holder has been duly considered. The vehicle No.OD02BG-0557 was registered as Contract Carriage.

Excerpts of Section 2 (7) of M.V. Act, 1988 is reproduced below for better appreciation.

“(7) “contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—

(a) on a time basis, whether or not with reference to any route or distance; or

(b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes—

(i) a maxicab; and

(ii) a motorcab notwithstanding the separate fares are charged for its passengers;

The vehicle OD02BG-0557 of the permit holder was detected picking up and setting down passengers enroute violating permit conditions. The permit holder was using the vehicle not authorized by the permit.

The STA after due deliberation decided to cancel the All India Tourist Permit No.OR2021-AITP-0022A under Section 86 (1) (b) of M. V. Act, 1988 for violating permit conditions. It was decided that no permanent / temporary tourist / contract carriage permit shall be granted by STA / RTAs online / offline to Susim Kanti Mohanty, owner of vehicle OD02BG-0557 for a period of one year as decided by STA in its 298th meeting held on 09.01.2023.

NIC may be requested to take steps not to process application for any contract / tourist permit online for a period of one year.

ITEM NO.3.8:-CANCELLATION OF ALL INDIA TOURIST PERMIT GRANTED TO SUSIM KANTI MOHANTY, OWNER OF VEHICLE OD02BG-0757.

Heard Sri L.K. Maharana, Advocate for permit holder. He submitted that e-challans drawn against Susim Kanti Mohanty, owner of vehicle OD02BG-0757 are not yet adjudicated. He has filed writ petition before Hon'ble High Court challenging drawal of e-challans which is pending. Till disposal of writ petition filed by the permit holder, All India Tourist Permit held by the petitioner cannot be cancelled.

Learned Advocate for the permit holder has not produced copy of order passed by Hon'ble High Court restraining this authority to proceed with the matter.

All India Tourist Permit No.OR2021-AITP-0021A was issued to Susim Kanti Mohanty, owner of vehicle OD02BG-0757 valid from 05.10.2021 to 04.10.2026. During checking by Enforcement Officer, it was detected that the vehicle was operating as stage carriage violating permit conditions for which following e-challans issued under Section 192(A) of M.V. Act, 1988.

Sl. No.	e-challan no.	Date	Offence	Nature of violation
1	OR97726230117073618	17.01.2023	177,179(1), 180,181,192(A)	Violating permit condition, DL, General offence.
2	OR15182220920081818	20.09.2022	192 (A)	Violating permit condition,
3	OR9790220729073356	29.07.2022	192 (A)	Violating permit condition



Show cause filed by the permit holder has been duly considered. The vehicle No.OD02BG-0757 was registered as Contract Carriage.

Excerpts of Section 2 (7) of M.V. Act, 1988 is reproduced below for better appreciation.

"(7) "contract carriage" means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—

(a) on a time basis, whether or not with reference to any route or distance; or

(b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes—

(i) a maxicab; and

(ii) a motorcab notwithstanding the separate fares are charged for its passengers;

The vehicle OD02BG-0757 of the permit holder was detected picking up and setting down passengers enroute violating permit conditions. The permit holder was using the vehicle not authorized by the permit.

The STA after due deliberation decided to cancel the All India Tourist Permit No.OR2021-AITP-0021A under Section 86 (1) (b) of M. V. Act, 1988 for violating permit conditions. It was decided that no permanent / temporary tourist / contract carriage permit shall be granted by STA / RTAs online / offline to Susim Kanti Mohanty, owner of vehicle OD02BG-0757 for a period of one year as decided by STA in its 298th meeting held on 09.01.2023.

NIC may be requested to take steps not to process application for any contract / tourist permit online for a period of one year.

INTER-REGION ROUTES (SINGLE APPLICATIONS)

ITEM NO.4.1:- BASUDEVPUR TO BHUBANESWAR AND BHUBANESWAR TO CUTTACK AND BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 05.03.2023 inviting



applications for grant of permanent stage carriage permit in the route **Basudevpur to Bhubaneswar and Bhubaneswar to Cuttack and back**, **Sri Dayanidhi Swain**, owner of vehicle No.**OD02BG-4751** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Sri Dayanidhi Swain**, owner of vehicle No.**OD02BG-4751** was represented by Advocate Shri H.P. Mohanty. He has submitted Xerox copy of Bank guarantee and self-declaration in Annexure-A and B.

As per Vahan data no VCR/e-Challan drawn under section 192-A of M.V. Act, 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation it is decided to grant permanent stage carriage permit to **Sri Dayanidhi Swain**, owner of vehicle No.**OD02BG-4751** in the inter-region vacant route **Basudevpur to Bhubaneswar and Bhubaneswar to Cuttack and back** to perform for a period of five years, as ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.4.2:- PARADEEP TO TIRING VIA-HARICHANDANPUR AND BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **05.03.2023** inviting applications for grant of permanent stage carriage permit in the route **Paradeep to Tiring Via-Harichandanpur and back**, **Shri Minaketan Ray**, owner of vehicle No. **OD29K-9192** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Minaketan Ray**, owner of vehicle No.**OD29K-9192** was represented by Advocate Shri Sabyasachi Mishra. He has submitted Bank guarantee and self-declaration in Annexure-A and B.

As per Vahan data no VCR/e-Challan drawn under section 192-A of M.V. Act, 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

After due deliberation it is decided to grant permanent stage carriage permit to **Shri Minaketan Ray**, owner of vehicle No.**OD29K-9192** in the inter-region vacant route



Paradeep to Tiring Via.Harichandanpur and back alter service of vehicle no.OD04S-5787 to perform for a period of five years, as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.4.3:- BOLANI TO BERHAMPUR VIA-ANGUL, HINDOL AND BACK.

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 05.03.2023 inviting applications for grant of permanent stage carriage permit in the route **Bolani to Berhampur and back**, **Sri Bijay Kumar Behera**, owner of vehicle No.OD35-2169 has filed application for grant of permanent permit in the aforesaid route.

Applicant **Sri Bijay Kumar Behera**, owner of vehicle No.OD35-2169 was represented by Advocate Shri Sabyasachi Mishra. He has submitted self-declaration in Annexure-A and B.

Advocate for the applicant stated that he wants to withdraw his application. The applicant is allowed to withdraw his above application and this is treated as withdrawn.

The STA after due deliberation decided to reject the application filed by **Sri Bijay Kumar Behera**, owner of vehicle No.OD35-2169 for withdrawal of his application and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.4.4:- CUTTACK TO BALIGUDA VIA.BHUBANESWAR, NAYAGARH, PHULBANI AND BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 05.03.2023 inviting applications for grant of permanent stage carriage permit in the route **Cuttack to Baliguda via Bhubaneswar**, **Sri Bijay Kumar Behera**, owner of vehicle No.OD35-2169 has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Bijay Kumar Behera**, owner of vehicle No.OD35-2169 is represented by Advocate Shri Sabyasachi Mishra. He has submitted Bank guarantee and self-declaration in Annexure-A and B.



As per Vahan data no VCR/e-Challan drawn under section 192-A of M.V. Act, 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

Upon scrutiny of the above application as applied by the applicant Shri Bijay Kumar Behera, it is found that, he has submitted Annexure-A & B and disclosing that he is the owner of vehicle No.OD05BC7722, OR05AM6765, OD05A6765 & OR05AE-5011 and suppressing the fact that he owns two more vehicle i.e.OIC-8296 & ORD-6665.

The STA after due deliberation decided to reject the application filed by Shri **Bijay Kumar Behera**, owner of vehicle No.**OD35-2169** for suppression of fact and submitting wrong information in Annexure-A & B.

The STA after due deliberation decided to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.4.5:- KALIO TO BHUBANESWAR AND BACK.

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **05.03.2023** inviting applications for grant of permanent stage carriage permit in the inter-region route **Kalio to Bhubaneswar via.Niali and back.**

Following applications are received for grant of permanent permit in the aforesaid route.

1. **Sri Dayanidhi Swain**, owner of vehicle No.**OR02AZ-5800**.
2. **Sri Bharat Chandra Nayak**, owner of vehicle No.**OD02CF-5264**
3. **Sri Dayanidhi Swain**, owner of vehicle No.**OD02BJ-3751**

Sri Dayanidhi Swain, owner of vehicle No.**OR02AZ-5800** is absent. He has submitted all M.V. documents and Bank Guarantee. The model of the vehicle of the applicant is June, 2009.

As per Vahan data no VCR/e-Challan drawn under Section 192-A of M.V Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, **Sri Dayanidhi Swain**, owner of vehicle No.**OR02AZ-5800** secured **15 marks**.



Sri Bharat Chandra Nayak, owner of vehicle No.**OD02CF-5264** is present. He has submitted all M.V. documents and Bank Guarantee. The model of the vehicle of the applicant is December 2022. As per Vahan data no VCR/e-Challan drawn under Section 192-A of MV Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, **Sri Bharat Chandra Nayak**, owner of vehicle No.**OD02CF-5264** secured **45 marks**

Sri Dayanidhi Swain, owner of vehicle No.**OD02BJ-3751** is absent. He has submitted all M.V. documents, Bank Guarantee and declaration. The model of the vehicle of the applicant is June 2019.

As per Vahan data no VCR/e-Challan drawn under Section 192-A of MV Act 1988 against above stage carriage owned by the applicant within one year prior to date of consideration of present application.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, **Sri Dayanidhi Swain**, owner of vehicle No.**OD02BJ-3751** secured **15 marks**

After due deliberation it is decided to grant permanent stage carriage permit to **Sri Bharat Chandra Nayak**, owner of vehicle No.**OD02CF-5264** in the inter-region vacant route **Kalio to Bhubaneswar via.Niali and back** for a period of five year to perform one round trip daily, as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.4.6:- CANCELLATION OF PERMANENT PERMIT NO-PP99/170949/G ON THE ROUTE BHUBANESWAR TO BANSADAGHAT AND BACK.

Heard Sri K. Mohammad, Advocate for Sri M.B.K. Rao, Advocate. He submitted that decision may be taken taking into consideration show cause filed by the permit holder.

Permanent Permit PP99/170949/G on the route Bhubaneswar to Bansadaghat and back has been granted in favour of Sri Dilip Kumar Nayak owner of vehicle no.OR01K-0797 valid till-06.11.2022 w.e.f. 07.11.2017. Sri Nayak has filed application for renewal and replacement of vehicle on 22.11.2022 i.e. after 16 days of expiry of permit.



From VAHAN it reveals that the vehicle No.OR01K-0797 was kept off road from 01.04.2018 to 28.02.2020 (one year ten months), 01.11.2021 to 31.03.2022 (five months) and 01.04.2022 to 31.03.2023 (one year) excluding Covid – 19 period.

Total period of off road of vehicle of Sri Nayak was three years and three months.

As per 291st STA resolution Where the vehicle for which permanent stage carriage permit was issued in a route / routes had been declared off road for a period of one year during currency of permit in different spells, renewal of such permit shall not be considered. Besides, steps will also be taken for cancellation of permit before its expiry under Section 86 of M.V. Act, 1988.

Show cause filed by Sri Dilip Kumar Nayak has been considered.

Under the statute, the STA has no power to renew the permanent permit in cases where the application for renewal of permit was filed after expiry of permit.

Section 81 (2) & (3) of M.V. Act, 1988 are quoted below for better appreciation.

“(2) A permit may be renewed on an application made not less than fifteen days before the date of its expiry.

(3) Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority, as the case may be, may entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by goods and sufficient cause from making an application within the time specified.”

On plain reading of provisions contained under Section 81 (2) of M.V. Act, 1988, it can be safely concluded that application for renewal of permit shall be filed “***before the date of its expiry***” which means the application for renewal of permit cannot be filed after expiry of permit which has been done in the present case. On conjoint reading of Sub-section (2) and (3) of Section 81 of M.V. Act, 1988, ***it can be safely concluded that*** in cases where the application for renewal of permit is made after fifteen days of specified date mentioned in sub-section (2) and before expiry of permit, same can be considered under Sub-section (3) if the transport authority is satisfied that the applicant was prevented by good and sufficient cause from making an application ***within the time***



specified under Sub-Section (2). In no case application for renewal of permit can be entertained by STA after expiry of permit.

In this regard Hon'ble Supreme Court vide their judgment reported in AIR 1976 SC 2161 held that:

"7. xx xx xx The proviso to sub-section (2) requires that an application for renewal of a permit should be made not less than 120 days before the date of expiry of the permit. But, notwithstanding this provision, the Regional Transport Authority may, under sub-section (3), entertain an application for renewal of a permit after the last date specified in sub-section (2), "if the application is made not more than 15 days after said last date and is accompanied by the prescribed fee." Sub-section (3) thus vests a discretion in the Regional Transport Authority to entertain an application for renewal of a permit even if it is beyond time, but in that case the delay should not be of more than fifteen days. The word used in sub-section (3) is "may" and not "shall" and the Regional Transport Authority is given a discretion to entertain an application for renewal of a permit even where it is beyond time, though not more than 15 days. It may condone the delay or it may not, depending on the circumstances of each case. The discretion is to be exercised not on any arbitrary or fanciful grounds or whim or caprice of the Regional Transport Authority, but it is to be a judicial discretion. It is true that the criterion which is to guide the Regional Transport Authority in the exercise of its discretion is not articulated in sub-section (3), but it is implicit in every conferment of discretion on a judicial or quasi-judicial authority that the discretion is to be exercised in a judicial manner on well –settled legal principles. It would not be right to attribute to the legislature an intention to confer unguided and unfettered discretion on the Regional Transport Authority which is a quasi judicial authority. The discretion is obviously to be exercised where sufficient cause for not making the application for renewal within time is made out by the applicant. This criterion can legitimately be imported from Section 5 of the Limitation Act, 1963 which contains an allied provision for condonation of delay where an application is made beyond time. It could never have been the intention of the Legislature that even where there is no sufficient cause for delay in making an application for renewal,

the Regional Transport Authority should still be bound to entertain the application for renewal merely on the ground that the delay is of not more than 15 days. Sub-section (3) enacts a provision for condonation of delay in making an application for renewal and not a provision extending the time limit specified in the proviso to sub-section (2) in all cases as a matter of course. If the intention of the Legislature were that in every case delay of not more than 15 days in making an application for renewal should be condoned as of course, there was no need for a separate provision in sub-section (3), but the Legislature could have very well specified "one hundred and five days" instead of "one hundred and twenty days" in the proviso to sub-section (2)."

"8. It is, therefore, clear that sub-section (3) of Section 58 confers a discretion on the Regional Transport Authority to entertain an application for renewal when it is made beyond the time limit specified in the proviso to sub-section (2), but not more than 15 days late and the discretion is to be exercised in favour of entertaining the application for renewal when it is shown that there was sufficient cause for not making it in time. Now the question which arises is: does Section 5 of the Limitation Act, 1963 apply so as to empower the Regional Transport Authority, for sufficient cause, to entertain an application for renewal even where it is delayed by more than 15 days? Section 29, sub-section (2) of the Limitation Act, 1963 makes Section 5 applicable in the case of an application for renewal unless its applicability can be said to be expressly excluded by any provision of the Act. The only provision of the Act sought to be pressed into service for this purpose was sub-section (3). Does sub-section (3) expressly exclude further extension of time under Section 5? If it does, then Section 5 cannot be availed of by the appellant for condonation of the delay. Sub-section (3) in so many terms says that the Regional Transport Authority may condone the delay in making of an application for renewal and entertain it on merits provided the delay is of not more than 15 days. This clearly means that if the application for renewal is beyond time by more than 15 days, the Regional Transport Authority shall not be entitled to entertain it, or in other words, it shall have no power to condone the delay. There is thus an express provision in sub-section (3) that delay in making an application



for renewal shall be condonable only if it is of not more than 15 days and that expressly excludes the applicability of Section 5 in cases where an application for renewal is delayed by more than 15 days. This provision may seem harsh, but it has been deliberately and advisedly made because the question of renewal of a permit must obviously be decided before the expiration of the period of the permit and in view of the elaborate procedure set out in Section 57 for dealing with an application for renewal, a certain minimum period before the expiration of the period of the permit must be provided within which this procedure can be completed so that the renewal can, if at all, be granted well in time before the permit expires. If an application for renewal could be entertained even if made at any stage, it would dislocate the procedural machinery set out in Section 57 and that is why the Legislature prescribed in sub-section (3) of section 58 that the delay in making an application for renewal may be condoned by the Regional Transport Authority only if it is of not more than 15 days. Here, the application made by the appellant for renewal of his permit was admittedly late by more than 15 days and hence the delay was not condonable and the Regional Transport Authority was right in rejecting the application for renewal as time barred."

Section 81 (3) of M.V Act, 1988 provides that the STA may entertain an application for renewal of permanent permit which was filed after the last date specified in sub-section (2) of Section 81 i.e. less than 15 days **before the expiry of permit and not after expiry of permit.**

Considering facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Dilip Kumar Nayak sixteen days after expiry of permanent permit in the ratio of decision of Hon'ble Supreme Court (supra) which is in aid and consonance of Section 81 (2) and (3) M.V. Act, 1988 and rules made thereunder and in view of the fact that the vehicle was under off road for three years and three months and not operating during the validity of permit causing inconvenience to the traveling public. Application for renewal of permanent permit and replacement of vehicle are rejected. It is decided to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.4.7:-CONSIDERATION OF APPLICATION FOR GRANT OF PERMANENT PERMIT IN THE ROUTE RANGANI TO BHUBANESWAR VIA CHANDIKHOL AND BACK.


Sri Prasanta Kumar Jena has applied for grant of Permanent Permit in respect of vehicle no.OD04G-8584 to operate in the route Rangani to Bhubaneswar via.Chandikhole and back.

Sri Sabyasachi Mishra, Advocate filed objection that the applied route has not been notified.

From records it reveals that the route Rangani to Bhubaneswar via.Chandikhole and back has not been notified which covers rationalized route Bhubaneswar-Cuttack-Chandikhole-Kendrapada in category-B.

After deliberation it was decided to notify the route with vacant slots in the website inviting application for grant of permanent permit to intending bus owners which would be in the interest of travelling public. The application filed by Sri Prasanta Kumar Jena, owner of vehicle no.OD04G-8584 will be considered along with the applications that may be received pursuant to advertisement.

Memo No. 6063/TC.
Copy to all members of STA for information.


Chairman
STA, Odisha, Cuttack.

Dt. 24/07/23


Secretary,
STA, Odisha, Cuttack.