

PROCEEDINGS OF THE 289<sup>th</sup> MEETING OF STA, ODISHA HELD IN THE CONFERENCE HALL OF TRANSPORT COMMISSIONER-CUM-CHAIRMAN, STATE TRANSPORT AUTHORITY, ODISHA ON 05.11.2019.

**MEMBERS PRESENT:**

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| 1. | Shri Sanjeeb Panda, I.P.S.,<br>Transport Commissioner-Cum-Chairman,<br>STA, Odisha, Cuttack.            | ... .. | Chairman.         |
| 2. | Shri Soumit Mitra.  | ... .. | Member.           |
| 3. | Shri Ignace Hasda, OAS(SAG),<br>Secretary, STA, Odisha, Cuttack.  | ... .. | Member-Secretary. |
| 4. | Debadutta Suranjita Jena, OAS(SB)<br>Joint Secretary to Govt., C & T(Tr.) Dept.,<br>Odisha, Bhubneswar. | ... .. | Member.           |

At the outset the Chairman, STA, welcomed all the members of the STA to the 288<sup>th</sup> S.T.A. meeting.

The proceeding of the 287<sup>th</sup> meeting of State Transport Authority held on 22.01.19 circulated among all the members vide this office memo No.8025/TC dtd. 26.06.2018 is confirmed.

Action taken by the Chairman, STA, Secretary, STA and Under Secretary, STA for the period from 22.01.2019 to 04.11.2019 are approved.

**1. POLICY DECISION:**

1.1 **Revocation of grant order for non-lifting of permit:-** Considering interest of travelling public, it was resolved that in cases where owner of a stage carriage to whom permanent permit has been granted by STA failed to lift the permit so granted on payment of permit fee and production of required M.V. documents within thirty days from the date of grant, the order of grant of permit shall deemed to be revoked and no permit shall be issued under any circumstances after lapse of 30 days. The route will be notified inviting applications for grant of permanent permit and previously granted owner

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may have the option to apply afresh and compete with other applicants on merit to get the permit.

**1.2 Grant of permit to Air-conditioned stage carriages:-** Considering grievance of stage carriage operators regarding operation of Air Conditioned Sleeper Stage Carriages on inter region routes and in modification of policy decision in Item No.3.6 of 287<sup>th</sup> STA meeting it was decided that –

- a) Cases where permanent stage carriage permit was issued to Air Conditioned Sleeper Stage Carriages on inter-region routes, same will be considered for renewal.
- b) Replacement of existing vehicle by Air Conditioned Sleeper Stage Carriages covered under permanent stage carriage permit on inter-region routes will be considered till 31.03.2020 where length of route is more than 160 kms irrespective of number of trips performed in a day.
- c) Air Conditioned Sleeper Stage Carriages which are operating on inter-region routes on the basis of temporary permits will be considered for grant of permanent permit.

Office Order No.11192/TC dated 18.10.2019 issued by Chairman, STA in this regard is approved.

**1.3 Colour Code for Private City / Town Buses :-** After due deliberation and keeping in view interest of travelling public, it was decided that specific colour code will be assigned as per Annexure-A in respect of private stage carriages operating as City / Town buses in CUTA, BUTA w.e.f. 01.04.2020. Existing private town buses will be given time till 01.04.2021 to switch over to colour code from that date.

**1.4 Grant of permit to other State vehicles :-** Stage carriage / contract carriage / goods carriage having other State registration mark shall not be considered for grant of temporary / permanent permit unless assigned with Odisha registration number.



1.5 **Declaration of free zone for stage carriage :-** In view of high traffic potentiality it is necessary to provide bus services connecting Bhubaneswar / Cuttack for the convenience of travelling public. After due deliberation it was decided that following stretch of routes will be considered of free zone while granting stage carriage permit.

- a) Bhubaneswar / Cuttack to Panikoilli with one stoppage at Chandikhol.
- b) Bhubaneswar / Cuttack to Balugaon with one stoppage at Khurda.
- c) Bhubaneswar / Cuttack to Dhenkanal with two stoppages at Manguli and Khuntuni.

While considering grant of temporary / permanent stage carriage permit overlapping above stretches, timing of existing stage carriage operators in between stretches will not be taken into consideration as clash of time in the interest of travelling public on longer routes beyond those points.

1.6 **Grant of stage carriage permit to other State operators :-** It was decided not to grant stage carriage permit on any interstate route out of Odisha quota specified in the Reciprocal Transport Agreement to other State stage carriage operators to prevent monopoly and to protect interest of Odisha based stage carriage operators.

1.7 **Allotment of timing to stage carriages plying on long distance interstate routes:-** Most of the stage carriages are operating on long distance interstate routes during night hours. As per earlier decision taken by STA one and half minutes running time allotted to express / deluxe stage carriages per kilometer. Keeping in view the interest of travelling public on long distance interstate route during night hours, it was decided to allot running time one minute per kilometer subject to speed limit notified by respective District Magistrates enroute.

1.8 **Submission of self-declaration:-** While making application for grant of permanent stage carriage permit in any route, the applicant shall furnish a self-declaration stating therein that no VCR was pending against the respective vehicle and other vehicles, no criminal case pending against the applicant, no tax / penalty

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outstanding against him / her. No VCR was drawn against the vehicle of applicant under Section 192A of M.V. Act, 1988 one year prior to date of filing of application.

1.9 **Submission of tax clearance certificate:-** Submission of tax clearance certificate was insisted at the time of consideration of application for grant of a permit. In the meantime VAHAN – 4 application has been rolled out wherefrom tax payment / off road position of a stage carriage can be viewed at STA while processing application for a permit online. It was therefore, decided to dispense with submission of application the applicant need not furnish tax clearance certificate from the concerned RTO. The Sr. Technical Director, NIC will provide required link to officials of STA for the purpose.

1.10 **Issue of National Permits to Good Carriages:** The STA in its 187<sup>th</sup> meeting held on 22.01.2019 resolved to delegate its powers to RTAs to issue National Permit to goods carriages. If any RTO fails to grant / approve National Permit to any applicant within seven days, same shall be approved automatically on seventh day of filing application online. The Sr. Technical Director, NIC will cause necessary modification in VAHAN application for the purpose.

## 2. **CONSIDERATION OF APPLICATIONS FOR GRANT OF STAGE CARRIAGE PERMITS ON INTER-STATE ROUTES (SINGLE APPLICATIONS)**

### **ITEM NO.2.1:- ANGUL TO HALDIA VIA- JALESWAR AND BACK.**

Pursuant to the advertisement published in daily Odia Newspaper "The Samaj", "Dharitri" and one English newspaper "Indian Express" on dated 20.10.2019, Sri Saroj Kumar Bhuyan, owner of vehicle No.OD01W-6755 has applied for grant of permanent permit in the aforesaid route.

The applicant is represented by Advocate, Shri D. B. Das. He stated that the applicant has gained experience and can operate bus service in the aforesaid interstate route. There is no objection.

It was decided to grant permanent stage carriage permit to Sri Saroj Kumar Bhuyan, owner of vehicle No.OD01W-6755 in the interstate route **Angul to Haldia, via Jaleswar and back** to perform **single trip** daily for a period of five years, as **Express Service** subject to verification of original documents submitted by him. The permit is





valid subject to grant of countersignature by STA, West Bengal. The permit holder will get the permit countersigned within 60 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication to lift the permit failing which the grant order shall deemed to be revoked Before issue of permit, tax payment position, audit and VCR 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:- BHUBANESWAR TO NANDAKUMAR, VIA- LAXMANNATH, EGRA, BAJKUL AND BACK.**

Pursuant to the advertisement published in daily Odia Newspaper "The Samaj", "Dharitri" and one English newspaper "Indian Express" on dated 20.10.2019, Sri Sarat Chandra Pradhan, owner of vehicle No.OD05AH-0015 has applied for grant of permanent permit in the aforesaid route.

The applicant is represented by Advocate Shri K. C. Dash. There is no objection.

It was decided to grant permanent stage carriage permit to **Sri Sarat Chandra Pradhan**, owner of vehicle No.OD05AH-0015 in the interstate route **Bhubaneswar to Nandakumar, via Laxmannath, Egra, Bajkul and back** to perform single trip daily for a period of five years, as **AC deluxe** subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by **STA, West Bengal**. The permit holder will get the permit countersigned within 60 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication to lift the permit failing which the grant order shall deemed to be revoked Before issue of permit, tax payment position, audit and VCR 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.2.3:- KHARIAR TO RAIPUR VIA-BHAWANIPATNA AND BACK**

Pursuant to the advertisement published in daily Odia Newspaper "The Samaj", "Dharitri" and one English newspaper "Indian Express" on dated 20.10.2019, Sri Tarun





Chandra Hota, owner of vehicle No.CG04E-4031 has applied for grant of permanent permit in the aforesaid route.

Applicant is absent on call. Since the vehicle carries registration mark of Chhatisgarh, it was decided not to consider his application for grant of permanent permit in the aforesaid route without assignment of Odisha registration number. However, the applicant, if so advised, may apply afresh after assignment of Odisha registration number. His application is rejected.

**ITEM NO.2.4:- BARIPADA TO BADJAMDA, VIA- RAIRANGPUR, TIRING AND BACK.**

Pursuant to the advertisement published in daily Odia Newspaper "The Samaj", "Dharitri" and one English newspaper "Indian Express" on dated 20.10.2019, **Sri Sunil Kumar Dash**, owner of vehicle No.OD11B-6155 has applied for grant of permanent permit in the aforesaid route.

The applicant is present in person. Heard. There is no objection. He has not produced the affidavit. He stated that he will produce a self-declaration in this regard. There is no objection.

It was decided to grant permanent stage carriage permit to **Sri Sunil Kumar Dash**, owner of vehicle No.OD11B-6155 in the interstate route **Baripada to Badjamda, via Rairangpur, Tiring and back** to perform **two trips** daily for a period of five years, 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 60 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication to lift the permit failing which the grant order shall deemed to be revoked Before issue of permit, tax payment position, audit and VCR 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.2.5:- ROURKELA TO RANCHI, VIA-BIRAMITRAPUR, GUMLA, SISAI AND BACK.**

Pursuant to the advertisement published in daily Odia Newspaper "The Samaj", "Dharitri" and one English newspaper "Indian Express" on dated 20.10.2019, **Iqbal**

Ahmed, owner of vehicle No.OD14G-3992 has applied for grant of permanent permit in the aforesaid route.

Applicant is absent. There is no objection.

It was decided to grant permanent stage carriage permit to Iqbal Ahmed, owner of vehicle No.OD14G-3992 in the interstate route **Rourkela to Ranchi via Biramitrapur, Gumla, Sisai and back** to perform **single trip** daily for a period of five years, 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 60 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication to lift the permit failing which the grant order shall deemed to be revoked Before issue of permit, tax payment position, audit and VCR 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.2.6:- CHANDABALI TO DIGHA VIA- JALESWAR AND BACK.**

Pursuant to the advertisement published in daily Odia Newspaper "The Samaj", "Dharitri" and one English newspaper "Indian Express" on dated 20.10.2019, Sri Manmath Kumar Biswal, owner of vehicle No. **OR01S-1888** has applied for grant of permanent permit in the aforesaid route.

The applicant is present. There is no objection.

It was decided to grant permanent stage carriage permit to Sri Manmath Kumar Biswal, owner of vehicle No. **OR01S-1888** in the interstate route **Chandabali to Digha, via Jaleswar and back** to perform **two trips daily** for a period of five years, as **ordinary service** subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by **STA, West Bengal**. The permit holder will get the permit countersigned within 60 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication to lift the permit failing which the grant order shall deemed to be revoked Before issue of permit, tax payment position, audit and VCR 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 ROUTE (MULTI APPLICATIONS)**

**ITEM NO.2.7:- BHADRAK TO RAIPUR, VIA-DEOGARH, BARGARH AND BACK.**

Pursuant to the advertisement published in daily Odia Newspaper "The Samaj", "Dharitri" and one English newspaper "Indian Express" on dated 20.10.2019, Sri Satya Narayan Dash, owner of vehicle No.OD05D-5484 and OD05AD-5484 has applied for grant of permanent permit in the aforesaid route.

Sri R.N. Das father of applicant is present. He stated that his son has applied for grant of permanent permit on the above inter-state route in respect of his two vehicles i.e. No.OD05D-5484 and OD05AD-5484. Since, permanent permit cannot be granted to two vehicles, as there is vacancy of one permit, it may is considered in respect of vehicle No.OD05AD-5484 which is higher model.

It was decided to grant permanent stage carriage permit to Sri Satya Narayan Dash, owner of vehicle No.OD05AD-5484 in the interstate route **Bhadrak to Raipur, via-Deogarh, Bargarh and back** to perform **one 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, Chhatisgarh**. The permit holder will get the permit countersigned within 60 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication to lift the permit failing which the grant order shall deemed to be revoked Before issue of permit, tax payment position, audit and VCR 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 ROUTES (CASE MATTER)**

**ITEM NO.2.8:- Cancellation of permanent permit No.01-G/2019 issued to vehicle No.OD01Y-0825 in the Interstate route Puri to Contai, via- Jaleswar, Chandaneswar and back.**

As per Reciprocal Transport Agreement executed between Odisha and West Bengal, the route in question is agreed and finally notified under section 86 of M.V. Act,

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1988 by Government of Odisha vide SRO No.615/2006 dated 17.11.2006 wherein it has been mentioned in Sl. No.14 of Annexure-I that, STA, Odisha has to grant two permits and each vehicle will perform single trip daily as Express service.

Out of two permits, one permit has already been issued in favour of Sri Brundan Gaan, owner of vehicle No.OD05P-8282 vide P.St.P No.07-G/2018 which is valid till 26.02.2023. Remaining one permit is lying vacant.

Subsequently above route was notified in daily Odia News Paper "The Samaj", "Sambad" and one English News paper "The New Indian Express" dated 21.12.2017 vide Sl No.30 inviting applications from intending operators for grant of permanent permit. **No application received within stipulated period.**

Subsequently, Sri Saroj Kumar Bhuyan, owner of vehicle No.OD01Y-0825 has applied for grant of permanent permit on 23.07.2018. The file was processed manually on 21.08.2018 but was held up at the level of Section Officer (Permit) due to cease work called by Ministerial Officers Association.

While the matter stood thus, Sri Digambar Panda owner of vehicle No.OD33U-4544 has filed application for grant of permanent permit on 09.10.2018 against said vacancy.

Permanent permit No.01-G/2019 was granted in favour of Sri Saroj Kumar Bhuyan in respect of his vehicle No.OD01Y-0825 in the interstate route Puri to Contai, via Jaleswar, Chandaneswar which is valid till 21.01.2024.

Being aggrieved, Sri Digambar Panda, owner of vehicle No.OD33U-4544 filed W.P.(C) No.1598 of 2019 before Hon'ble High Court of Odisha which was disposed of on 17.06.2019. Hon'ble court has quashed the order passed by Chairman, STA in granting permanent permit to Sri Saroj Kumar Bhuyan and remitted back the matter to STA for consideration afresh by affording opportunity of hearing to the parties concerned, namely, petitioner - Digambar Panda and Opposite party No.5 - Saroj Kumar Bhuyan who were applicants for the route Puri to Contai and pass reasoned and speaking order as expeditiously as possible.

Pursuant to order passed by Hon'ble High Court as aforesaid, Misc. case No.35 of 2019 was instituted. After hearing the parties, the Chairman, STA has recalled the

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permit and directed Sri Saroj Kumar Bhuyan to surrender P.St.P. No.01-G/2019. It was ordered to place the matter in the next STA meeting for decision.

Accordingly, Sri Saroj Kumar Bhuyan, owner of vehicle No.OD01Y-0825 was directed to surrender the original permanent permit forthwith vide this office letter No.8953/TC dtd-21.08.2019 and till date Sri Bhuyan has not surrendered the permit.

The writ petitioner and Opp. party No.5 are noticed vide this office letter No.11378/TC dtd. 23.10.2019 to appear before STA for hearing.

Shri Saroj Kumar Bhuyan, applicant is represented by Advocate Shri D.B. Das. He stated that the applicant had applied for grant of permit on the inter-state route from Puri to Contai on 23.07.2018 in respect his vehicle No.OD01Y-0825. In the 287<sup>th</sup> STA meeting, it was decided by STA, while fixing criteria for grant of stage carriage permit, in respect of inter-state routes, applications will be invited for inter-state vacant routes by publishing in newspaper fixing a cut-off date for applications. In case any route remain vacant after the above process, the same will be allotted on first come first basis. He further stated that Saroj Kumar Bhuyan has filed application on 23.7.2018 for grant of permanent permit in the above vacant route much earlier than other contesting party. The Chairman, STA rightly granted the permit in favour of the applicant considering the merits of applicant as per the statutory requirements. He further stated that the newspaper publication was made on 21.12.2017 to fill up the vacant route but no application was received. But the applicant Sri Bhuyan has applied on 23.07.2018 which was required to be disposed of within three months from the date of its receipt. But it was kept pending till filing of application by other applicant. When both applications were placed before the Chairman, STA, he granted permit in favour of the applicant as per decision taken by STA i.e. first come first basis.

The matter was remitted back by Hon'ble High Court in W.P. (C) No.1598 of 2019 vide order dt.17.06.2019 with direction to pass a reasoned order after hearing both the parties.

Shri Digambar Panda, owner of vehicle No.OD33U-4544 who is another applicant for the above route is represented by Advocate Shri Pravakar Behera. He stated that the above inter-state route Puri to Contai was vacant for which applications are invited for grant of permanent permit by way of advertisement made on 21.12.2017.

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The applicant has applied for grant of permanent permit in this route on 09.10.2018 in respect of his vehicle OD33U-4544. He further stated that prior to the application submitted by this applicant, another applicant Saroj Kumar Bhuyan had applied for grant of permanent permit on 23.07.2018 in the same route in respect of his vehicle OD01Y-0825. Since, there are two applications pending on the self-same route for consideration, STA instead of considering the applications on merit, granted permanent permit in favour of Saroj Kumar Bhuyan without considering the application of his client i.e. Shri Digambar Panda. The said grant of permanent permit in favour of Saroj Kumar Bhuyan was challenged before the Hon'ble High Court vide W.P.(C) No.1598 of 2019 by this applicant. Hon'ble High Court after hearing the parties vide order dtd.17.06.2019 quashed the order passed by Chairman, STA granting permanent permit in favour of Saroj Kumar Bhuyan and remitted back to Chairman, STA for consideration of applications filed by Digambar Panda and Saroj Kumar Bhuyan on merit.

Shri D.B. Das, Advocate appearing for Sri Saroj Kumar Bhuyan stated that both vehicles are of same model. But on verification of copy of registration certificates produced by both the applicants, the model of vehicle OD01Y-0825 of Saroj Kumar Bhuyan has been mentioned as 09/2017 whereas the vehicle OD33U-4544 of Sri Digambar Panda is 06/2018 model.

Advocate Shri Das further stated that his client is an experienced permit holder to operate his vehicle in this inter-state route whereas the opposite party has not got any experience. He has also got garage facilities to repair his vehicle in both States. Hence, he stated that in all respect, his client is meritorious than the opposite party and the permit may be issued in favour of his client i.e. Sri Saroj Kumar Bhuyan.

Shri P. K. Behera, Advocate appeared on behalf of opposite party i.e. Shri Digambar Panda stated that though Shri Bhuyan has been noticed to surrender the permit, he has not surrounded the same till date.

Having heard the counsel for parties and upon perusal of records it is not disputed that applicant Sri Saroj Kumar Bhuyan has applied for grant of permanent permit on 23.07.2018 whereas the co-applicant Digambar Panda has filed application on 21.08.2018 for grant of permanent permit on selfsame route against one vacancy.



From records it reveals that the application filed by Sri Saroj Kumar Bhuyan was processed on 21.08.2018 by the D.A., Permit Section and could not be proceed further due to cease work call by Ministerial Officers Association. Had the application of Sri Bhuyan was processed further, permanent permit could have been issued to him prior to filing of application by Sri Panda.

In this regard it is worthwhile to refer to decision taken by STA in its 287<sup>th</sup> meeting held on 22.01.2019, excerpts of which reproduced below to adjudicate the matter.

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(iii) *It was resolved that in case of grant of permits on interstate routes, the applications will be invited for interstate vacant routes by publishing in news paper fixing a cutoff date for applications. In case any route remains vacant after the above process, the same will be allotted on first come first basis. Xx xx xx".*

Relying upon aforesaid decision of STA, the application filed by Sri Bhuyan is to be considered on "first come first" basis and it cannot be clubbed with the application filed by Sri Bhuyan which was filed on 21.08.2018.

Considering facts and circumstances of the case as mentioned above, it was decided to grant permanent stage carriage permit to Sri Saroj Kumar Bhuyan, owner of vehicle No.OD01Y-0825 in the interstate route **Puri to Contai via Jaleswar, Chandanaswar and back** to perform **one 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**. The permit holder will get the permit countersigned within 60 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication to lift the permit failing which the grant order shall deemed to be revoked Before issue of permit, tax payment position, audit and VCR 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.

Since it was ordered to surrender the permanent permit issued earlier to Sri Bhuyan, he is directed to surrender the same forthwith after which permanent permit so granted will be issued.



Upon grant of permanent permit to Sri Saroj Kumar Bhuyan, owner of vehicle No.OD01Y-0825, in the above route against single vacancy, the application filed by Sri Digambar Panda is rejected.

**ITEM NO.2.9:- Cancellation of permanent permit granted to vehicle No.OD01Y-1155 in the Interstate route Puri to Haldia and back.**

Above route was notified in daily Odia News Paper "The Samaj", "Sambad" and one English News paper "The New Indian Express" dated 21.12.2017 vide Sl. No.30 inviting applications from intending operators for grant of permanent permit. In response to notification, two applicants are receipt from (1) Smt. Puspanjali Gaana, owner of vehicle No.OD01Y-1155 and (2) Sunandita Sarangi, owner of vehicle No.OD05AD-0029.

Above applications were placed in 287<sup>th</sup> STA meeting and after considering relative merits of applicants it was decided to grant permit in favour of Smt. Puspanjali Gaana, owner of vehicle No.OD01Y-1155. Before issue of permit to Smt. Puspanjali Gaana, co-applicant Sunandita Sarangi has filed a petition on 30.01.2019 stating that the vehicle No.OD01Y-1155 of Puspanjali Gaana was seized by RTO, Bhubaneswar while plying without permit under Section 192(A) of M.V. Act, 1988 which was not considered by STA while granting permit to Smt. Gaana. She prayed to revoke the order granting permit to Smt. Gaana and grant the said permit to her.

For non-issuance of permit so granted, Smt. Puspanjali Gaana – grantee has filed W.P (C) No.5988 of 2019 before Hon'ble High Court which was dismissed on 05.11.2019.

Smt. Puspanjali Gaana, owner of vehicle No.OD01Y-1155 is represented by Advocate Shri P. Behera. He stated that the applicant has been granted with permanent permit in respect of her above vehicle by the STA in its 287<sup>th</sup> meeting. Since STA has granted permit and passed final order, the said decision shall not be reviewed by the STA.

Mrs. Sunandita Sarangi, owner of vehicle No.OD05AD-0029, who is co-applicant in this case is represented by Advocate Shri M.B.K. Rao. He stated that permanent permit has been granted in favour of applicant Smt. Puspanjali Gaana in respect of her vehicle No.OD01Y-1155. He stated that a VCR has been issued in respect of vehicle of

applicant i.e. No.OD01Y-1155 under Section 192 (A) of M.V. Act, 1988. Hence, he requested this authority to consider grant of permanent permit in respect of his client Mrs. Sunandita Sarangi in respect of her vehicle No.OD05AD-0029. He further stated that, as per earlier decision of STA, five marks shall be deducted from the total mark secured where owner of stage carriage found plying vehicle without permit and violating permit conditions punishable under Section 192 (A) of M.V. Act, 1988 which speaks about conduct of the owner of the vehicle. In view of this, when a VCR is pending against the applicant Smt. Puspanjali Gaana, the permit should not have been considered in respect of her vehicle.

Advocate for the applicant Smt. Puspanjali Gaana fairly submitted that the writ petition filed by his client has been dismissed. As per statute, the STA cannot review its own order in which permanent permit was granted to Smt. Puspanjali Gaana. Under such circumstances, permanent permit granted by STA in favour of Smt. Puspanjali Gaana may be issued as her vehicle is standing idle on payment of tax.

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 considering applications filed by Smt. Puspanjali Gaana and Mrs. Sunandita Sarangi by STA in its 287<sup>th</sup> meeting, fact relating to drawal of VCR against Puspanjali Gaana in respect of vehicle OD01Y-1155 for plying without permit

was not placed before STA. The vehicle in question was detected plying without permit and VCR under Section 192(A) was drawn by TSI office of RTO, Bhubaneswar. In absence of such information, Puspanjali Gaana was awarded 65 marks and accordingly it was decided to grant permit in her favour. Subsequently, the fact of drawal of VCR under Section 192A of M.V. Act, 1988 and seizure of vehicle OD01Y-1155 it was brought to the notice of STA and it was decided to withhold issue of permit to Puspanjali Gaana.

The STA in its 279<sup>th</sup> meeting dated 22.01.2019 resolved criteria for grant of stage carriage permit that:-

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- (a) No marks will be awarded for experience as stage carriage operator.
- (b) Plying of vehicle by the applicant violating permit conditions, plying any vehicle without permit on any unauthorized route, making unauthorized trip, Vehicle Check Reports drawn / reports submitted to that effect will be considered irrespective of the fact that the VCR was closed on composition of offences. Five marks will be deducted for above offences.

Where the applicant's vehicle was involved in accident for his fault, five marks will be deducted.

Xx xx xx.

3.9. Whenever it is detected that a bus operating as a stage carriage without permit under Section 192 (A) of M.V. Act, 1988, the bus will be debarred for a stage carriage permit for minimum two years from the date of detection of such offence.

Both Mrs. Sunandita Sarangi, owner of vehicle No.OD05AD0029 and Smt. Puspanjali Gaana, owner of vehicle No.OD01Y1155 got 65 marks each. Since vehicle of Puspanjali Gaana is of higher model, permit was granted to her.

Smt. Puspanjali Gaana, owner of vehicle No.OD01Y1155 has suppressed the fact of drawal of VCR under Section 192A of M.V. Act, 1988 and seizure of vehicle for material gain. Had such fact brought to the notice of STA, permit should not have been granted to her as five marks required to be deducted which was not deducted.

In view of fact of drawal of VCR and seizure of vehicle OD01Y-1155 for plying without permit punishable under Section 192-A of M.V. Act, 1988, five marks required to be deducted which is accordingly deducted. Thus, Smt. Puspanjali Gaana, owner of vehicle No.OD01Y1155, to get 60 marks and Mrs. Sunandita Sarangi got 65 marks.

Considering facts and circumstances of the case as mentioned above, it was decided to grant permanent stage carriage permit to Mrs. Sunandita Sarangi, owner of vehicle **No.OD05AD0029** in the interstate route **Puri to Haladia and back** to perform **one 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**. The permit holder will get the permit countersigned within 60 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication to lift the permit failing which the grant order shall deemed to be revoked Before issue of permit, tax payment position, audit and VCR 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.

Accordingly, application of Smt. Puspanjali Gaana is rejected.

**ITEM NO.2.10:- Cancellation of permanent permit granted to vehicle No.OD22K-7727 in the Interstate route Bargarh to Kolkata and back.**

STA in its 287<sup>th</sup> meeting after deliberation decided to grant permit in favour of Sri Ratikanta Parida in respect of his vehicle no.OD22K-7727. Accordingly Sri Parida was directed to lift the permit on payment of requisite fees and self-declaration that the vehicle is not under off-road at the timing of making application, date of consideration vide this office letter no.3269/TC dtd 02.03.2019.

In the meantime Sri Parida has applied for grant of permanent permit in the interstate route Baripada to Raipur to operate as alter service of vehicle no.OD28A-4526. Sri Parida was again directed to lift the permit granted vide this office letter no. 6385/TC dtd 19.06.2019. In response to this office letter no.6385/TC dtd 19.06.2019, the Learned Advocate on behalf of Sri Parida has requested to allow three months of time

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for depositing the permit fees as the said vehicle is under repair in the Garage of Maa Durga Body Builders.

Shri Ratikanta Parida, owner of vehicle No.OD22K-7727 is represented by Advocate Shri K. C. Dash. He stated that due to accident of his vehicle, he could not able to lift permanent permit so granted in respect of above vehicle. In this regard the STA earlier decided that the permit holder should lift the permit within ten days which has not been complied by the applicant Sri Ratikanta Parida.

Considering prayer made by Advocate Sri Das, it was resolved that the grantee shall lift the permit within fifteen days from today on depositing permit fee and submission of other statutory M.V. documents failing which the grant order shall stand revoked. The decision of STA was taken in presence of Advocate of applicant who has agreed to abide by decision of STA.

**ITEM NO.2.11:- Cancellation of permanent permit no.02-G/2016 issued to vehicle no.OD11A-5576 in the Interstate route Rairangpur to Sareikala, Via- Tata and back.**

Permanent Permit No.37-G/2012 was granted in favour of Sri Dinesh Meheta in respect of his vehicle no.OD14-1015 to operate in the interstate route Rairangpur to Sareikala, via- Tata and back valid till 04.12.2017 w.e.f. 05.12.2012.

The Chairman, STA, Odisha, Cuttack in Misc. Case No.64/2012 vide order dated 15.03.2014 has cancelled permanent permit No.37/2012 issued to Dinesh Meheta in respect of vehicle OD-14-1015 on the interstate route Rairangpur to Saraikela via Tata. It was further ordered to notify the route inviting applications for grant of permanent permit.

Being aggrieved, Sri Dinesh Mehta owner of vehicle No.OD14-1015 filed M.V Appeal No.27/2014 before Hon'ble State Transport Appellate Tribunal, Odisha, Cuttack challenging the order dated 15.03.2014 of Chairman, STA of cancellation of his permanent permit no.37-G/2012. He also filed W.P. (C) No.18201/2014 and W.P. (C) No.21952/2014 before Hon'ble High Court of Orissa. Hon'ble High Court vide order dated 13.11.2014 passed in W.P. (C) No.21952/2014 directed that no permit shall be issued on this route till disposal of appeal pending before Hon'ble STAT and the appeal be heard and disposed of within a period of three months.



As per order passed by Chairman, STA in Misc. case No.64/2012 the route was notified in the daily news paper Dharitri on 06.07.2014 inviting application for grant of permanent permit. Applications received pursuant to said advertisement was placed before STA in its 277<sup>th</sup> meeting held on 22.10.2014 and permanent permit was granted in favour of Babulal Modak, owner of vehicle No.OD11A-5576. However, in view of order passed by Hon'ble High Court in W.P. (C) No.21952 of 2014, permanent permit was not issued to Babulal Modak.

The Hon'ble STAT has passed the following order in M.V. Appeal No.27/2014 on 31.03.2015.

"The order dated 15.03.2014 passed by the Chairman STA, Odisha vide Annexure-7 is hereby quashed and as such the permanent permit vide Annexure-1 issued in favour of the appellant is hereby revived."

Babulal Modak filed W.P. (C) No.8592 of 2015 before Hon'ble High Court challenging order dated 31.03.2015 passed by Hon'ble STAT in M.V. Appeal No.27/2014. Hon'ble High Court vide order dated 16.11.2015 has stayed the judgment of Hon'ble Tribunal after which permanent permit No.02-G/2016 has been issued to Sri Babulal Modak in respect of vehicle No.OD11A-5576 to operate in the interstate route Rairangpur to Saraikala via- Tiring, Tata and back which is valid from 20.02.2016 to 19.02.2021 subject to outcome of W.P. (C) No.8592 of 2015. The writ petition filed by Sri Modak was disposed of by Hon'ble High Court on 18.01.2019 as infructuous.

In the meantime Sri Mehta, owner of vehicle No.OD14-1015 has filed petition and requested for cancellation of Permanent permit No.02-G/2016 issued to Sri Babulal Modak in respect of his vehicle no.OD11A-5576 in the interstate route Rairangpur to Saraikala via- Tiring, Tata and back. On the basis of petition filed by Sri Meheta, the permit holder Sri Modak was asked vide letter No.8562 dated 09.08.2019 to file show cause as to why permanent permit issued in your favour shall not be cancelled. Sri Modak has filed show cause through his Advocate on 12.09.2019.

Advocate Sri P. Behera appeared for Sri Babulal Modak and Sri Ashok Meheta appeared in person on behalf of his father Sri Dinesh Meheta. Heard. Perused applications / notes filed by respective parties.



Sri Meheta stated that permanent permit No.37-G/2012 was issued by STA, Odisha to Dinesh Meheta in the interstate route Rairangpur to Saraikala via Tata valid till 04.12.2017 w.e.f. 05.12.2012. He stated to have filed application for renewal of permit on 28.08.2017. On being asked to produce documents in support of filing of renewal application, he could not produce any document in support of his submission. He admitted that he has sold the vehicle OD14-1015 covered under aforesaid permanent permit on 26.09.2017 i.e. during currency of permanent permit No.37-G/2012 issued in his favour. He further admitted that STA, Odisha has not granted any permission for withdrawal and sale the vehicle covered under permanent permit No.37-G/2012. He is ready and willing to place another vehicle JH07D-1005 in place of OD14-1015 and requested that permanent permit No.27-G/2012 may be renewed.

Shri Babulal Modak is represented by Advocate Shri P. Behera. He stated that the initially the permanent permit was granted in favour of Shri Dinesh Mehta. The said permanent permit has been cancelled by STA. After cancellation of permanent permit issued to Sri Mehta the route was notified and five applications applied for grant of permanent permit on the said vacant route. All such applications are placed in 277<sup>th</sup> STA meeting and Shri Babulal Modak has been granted the permit. He further stated that as per orders of Hon'ble High Court, since appeal is pending, permanent permit may not be considered. Hon'ble STAT has set-aside the cancellation order of STA. Babulal Modak challenged the orders of STAT before the Hon'ble High Court. The Hon'ble High Court has passed stay order on the order of STAT. His submission is that the order of cancellation stands valid till the writ petition has been disposed of. He requested that the order of STA for cancellation of permit stands.

Further Advocate Shri P. Behera, appearing on behalf of Shri Babulal Modak stated that Shri Mehta has applied for renewal of permanent permit whereas the vehicle has been sold by Shri Mehta for which his permit may not be renewed. The said application for renewal was made by Sri Mehta when he has no valid permit in view of stay order of judgment of Hon'ble STAT granted by Hon'ble High Court in W.P. (C) No.8592 of 2015. Moreover, Sri Mehta has not challenged the grant of permit in favour of Sri Babulal Modak by STA in its 277<sup>th</sup> meeting held on 22.10.2014. Sri Babulal Modak





may be allowed to continue to operate his vehicle no.OD11A-5576 in the existing route Rairangpur to Saraikela via TATA on the basis of permanent permit No.02-G/2016.

Shri Dinesh Mehta is represented by Shri Ashok Mehta stated that the permanent permit was issued conditionally to Shri Babulal Modak. In this regard, he has given written statement which may be verified.

Advocate Shri P. Behera, appearing for Shri Babulal Modak stated that he will give a statement in this regard chronologically.

Coming to the application for renewal stated to have filed by Sri Dinesh Mehta in respect of permanent permit No.37-G/2012 which was valid from 05.12.2012 to 04.12.2017 admittedly he has sold the vehicle on 26.09.2017 during validity period of said permanent permit causing inconvenience to the travelling public. Therefore, his past conduct as stage carriage operator is not satisfactory. His application for renewal of permanent permit was thus rejected.

Sri Mehta has not produced any documentary evidence to prove that he has challenged before Hon'ble High Court of Orissa or STAT, the decision of STA taken in 277<sup>th</sup> meeting held on 22.10.2014 in which permanent permit was granted to Sri Babulal Modak in the interstate route Rairangpur to Saraikela via Tiring, Tata and back vide item No.13 and said decision of STA was reversed. In absence of such vital documentary evidence, permanent permit issued to Babulal Modak cannot be cancelled. Accordingly, petition filed by Sri Mehta for cancellation of permanent permit No.02/2016 is rejected being devoid of merit.

#### **INTER-REGION ROUTES (CASE MATTER)**

**ITEM No.2.12: Cancellation of Permanent Permit no.PP99/160559/G issued to vehicle no.OD11K-1231 in the route Sridamchandrapur to Bhubaneswar via. Anandpur, Cuttack and back.**

Permanent Permit vide Permit No.PP99/160559/G has been issued in favor of Sri Indramani Choudhury in respect of vehicle no.OD11K-1231 to operate on the route Sridamchandrapur to Bhubaneswar via. Anandpur, Cuttack and back valid till 23.08.2021.



Sri Bikram Kumar Datta has filed petition regarding collection of excess fare and mis-behaviour shown to him by the conductor of the vehicle no.OD11K-1231 while travelling in the said bus. Accordingly, the permit holder was directed to file show cause vide letter No.8403/TC dated 06.08.2019 has been issued to the permit holder as to why the permit shall not be cancelled for violation of permit conditions.

Shri Indramani Choudhury, owner of vehicle No. OD11K-1231 is present. He stated that he has not received the show cause notice issued to him by STA. However, after receipt of notice from STA, he appeared. He further stated that, he has disengaged the concerned Conductor. While asked about the License number of Conductor, it is stated that he has not kept the Conductor License with him. Only he had kept the Driving license of Driver. On insisting for giving a written statement in this regard, he has given a statement duly signed.

In course of hearing the permit holder has admitted the offence committed by the Conductor engaged by him in stage carriage OD11K-1231. The offending Conductor was engaged and remunerated by the permit holder. Therefore, the permit holder is equally liable for offence committed by the conductor regarding collection of excess fare and misbehavior to travelling passenger.

After due deliberation it was resolved to impose fine of Rs.10,000/- upon permit holder Sri Choudhury in lieu of cancellation of permanent permit under Section 86 of M.V. Act, 1988 which shall be paid by him within fifteen days from the date of intimation to him and subsequent such kind of offence if found and proved his permit so granted to his vehicle shall be liable for cancellation.

**ITEM No.2.13: Cancellation of Permanent Permit no.PP99/170993/G issued to vehicle No.OD11E-4765 in the route Rairangpur to Muruda and Rairangpur to Durgadevi and back.**

Permanent Permit vide Permit No.PP99/170993/G has been issued in favour of Sri Pravas Ranjan Hansdah in respect of vehicle No.OD11E-4765 to operate on the route Rairangpur to Muruda and Rairangpur to Durgadevi and back valid till 14.11.2022.

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The Secretary, Rairangpur Private Bus Owner's Association has filed petition alleging that the vehicle no.OD11E-4765 is plying deviating the route and timing issued by STA. Accordingly, VCR No.I0354134, dt.24.07.2018 and I0104808, dt.16.07.2018 have been drawn against the erring vehicle OD11E-4765 for violating the permit condition.

Notice vide letter No.14716/TC, dt.17.12.2018 was issued to permit holder to file show cause as to why permanent permit shall not be cancelled under Section 86 of M.V. Act, 1988. No reply was filed by the permit holder to the said notice. Subsequently, the permit holder has directed to file show cause vide letter No.6540/TC, dt.24.06.2019 and No.8304/TC, dt.05.08.2019.

The learned Advocate on behalf of the permit holder filed a Memo wherein he has stated that the second show cause notice was received by the permit holder and he requested to serve copy of documents, if any, regarding the offences committed by him.

Shri Pravash Ranjan Hansdah, permit holder is represented by Advocate Shri H.P. Mohanty. He stated that he has not received notice issued from this office. He admitted that he was not plying his vehicle as per timings allowed to him. He further stated that due to obstruction made by the Bus Owners' Association, Rairangpur, he was plying his vehicle other than timing given by the STA.

Rairangpur Private Bus Owner's Association is represented by Advocate Shri A.K. Behera. He stated that right now, there is no dispute. Applicant is plying his vehicle as per the timings given in the permit.

Considering facts and circumstances of the case and there is no dispute persist as of now, the proceeding for cancellation of permit is closed.

**ITEM No.2.14:**      **Cancellation of All Odisha Contract Carriage Permit granted to vehicle OSX-2970.**

All Odisha Contract Carriage Permit No.214-G/2019 was granted inadvertently to Urmila Mahala, in respect of vehicle OSX-2970 (Model – 1984) which is more than 35 years old. Keeping in view of safety and convenience of travelling public, the permit






holder was asked to surrender the permit. In turn the permit holder has filed show cause to recall the Notice vide No.8526 dated 09.08.2019. It is stated that age limit of transport vehicle has not been fixed by Central Government under Section 59 of M.V. Act, 1988. The permit holder cited order passed by Hon'ble High Court in W.P. (C) No.6977 of 2008 and stated that since the vehicle is in good condition, it can provide comfort to the commuting public. Fitness Certificate has been granted on the basis of joint inspection made by DCT, CZ, Cuttack and MVI, Cuttack which is valid upto 22.07.2020. The vehicle has valid Pollution under Control Certificate.

Permit holder Smt. Urmila Mahala is represented by Advocate Shri M. B. K. Rao. He stated that he has submitted show cause. He further stated that the vehicle of her client is a very old, but she is maintaining the vehicle properly, in remembrance of her late husband. She has kept the said vehicle and plying as contract carriage service. Hence, he requested not to cancel the contract carriage permit which has been issued to her above vehicle.

Considering submission made by learned Advocate for permit holder it was resolved to defer the matter to next STA meeting.

  
21.12.2019  
Chairman  
STA, Odisha, Cuttack.

Memo No. 14322 ITC

Dated: 21-12-19

Copy forwarded to all members of STA for information.

  
21/12/19  
Secretary  
STA, Odisha, Cuttack

