

**PROCEEDING OF THE 302nd VIRTUAL MEETING OF STA, ODISHA,
CUTTACK HELD ON 24.11.2023.**

MEMBERS PRESENT:-

- | | | | |
|---|-----|-----|----------|
| 1- Shri Amitabh Thakur, IPS
Transport Commissioner, Odisha | ... | ... | Chairman |
| 2- Shri Brajabandhu Bhol. OAS (SS)
Secretary, STA | ... | ... | Member |
| 3- Shri Somit Mitra | ... | ... | Member |
| 4- Shri Kishore Chandra Das,
Joint Secretary to Govt., C & T (T) Dept. | ... | ... | Member |

At the outset, the Chairman, STA welcomed all the members of the STA to the 302nd virtual meeting of STA.

Proceedings of the 301st virtual meeting of State Transport Authority held on 19.07.2023 circulated among all the members vide this Office Memo No.12730/TC dated 25.08.2023 is confirmed.

Action taken by Chairman, STA, Secretary, STA and Addl. Secretary, STA as per delegation of powers by STA for the period from 18.07.2023 to 23.11.2023 are approved.

1. POLICY DECISION

**GRANT OF TEMPORARY PERMIT TO A STAGE CARRIAGE MORE THAN 15 YEARS
AND LESS THAN 20 YEARS OF AGE**

Considering safety and comfort of passengers travelling in buses, the bus owners were asked to produce latest model / new vehicles in place of buses which are more than 15 years old for the safety of commuting public. However, the bus owners have stated that they are willing to provide new buses against the old stage carriages which are more than 15 years and less than 20 years old, but they want some time to place new / later model vehicles. The STA after due deliberation and keeping in view safety and comfort of commuting public resolved that one temporary permit for four months will be considered by Chairman, STA in respect of stage



carriages which are more than 15 years and less than 20 years old from the month/year of manufacture.

GRANT OF STAGE CARRIAGE PERMIT ON DIFFERENT ROUTES OVERLAPPING PORTION OF RATIONALIZED ROUTES :-

Number of applications are being filed before this authority for grant of stage carriage permit on different routes overlapping portion of routes where timing of stage carriages has been rationalized and implemented.

The STA in its 289th meeting held on 05.11.2019 resolved that:

*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 Panikoli 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.

In order to provide adequate bus services to commuting public on different routes across Odisha, after due deliberation, it is resolved that grant of stage carriage permit will be considered on case to case basis on different routes overlapping portions of routes where timing of stage carriages has been rationalized and implemented in the following manner in respect of category of rationalized route in the interest of travelling public.

- (a) Grant of stage carriage permit will be considered on Sundergarh to Rourkela stretch and overlapping shall not exceed 35% of rationalized route.
- (b) In respect of all other rationalized routes and category, grant of stage carriage permit will be considered where overlapping shall not exceed 25% of any category rationalized route.
- (c) While considering application for grant of stage carriage permit, decision taken in 289th STA meeting shall also be followed.



OBSERVANCE OF STA DAY ON 1ST APRIL :-

Road transport is one of the most cost effective and preferred mode of transport, both for freight and passengers, taking into account its importance across the populated areas. It is extremely vital for the economic development and social integration of the country, and resolutely for the State.

Easy accessibility, flexibility of operation and reliability have earned road transport an increasingly higher share of both passenger and freight traffic, vis-à-vis, other modes of transport. Road transport is a key factor to social, regional and economic cohesion, including the development of rural areas.

State Transport Authority is a statutory body constituted under the M.V. Act, 1939 on 1st April, 1965. The primary functions of the STA includes, regulation of road transport, grant of permits for both goods and passenger vehicles, road safety and other functions as defined under M.V. Act, 1939 and M.V. Act, 1988. STA, thus, is entrusted with functions to regulate all activities pertaining to public transport and to ensure safety, security and convenience of public and all road users in all respects.

State Transport Authority with an aim at establishing an efficient, dependent and modern transport system, formulates policies relating to regulation of road transport. STA also collaborates with the neighbouring States for smooth vehicular traffic from and to the State. Improving the road safety scenario is one of most important and challenging activities of the State Transport Authority. STA holds regular programmes and also formulates policies and regulations for road safety so as to minimize road accidents.

STA has already completed 58 years and hence, it was resolved to observe State Transport Authority day on 1st April every year. It was resolved to move Government for provision of funds for observance of State Transport Authority.

INTER-STATE ROUTES (SINGLE APPLICATIONS)

ITEM NO.1.1:-PARADEEP TO CONTAI VIA.JALESWAR, EGRA & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in



the interstate route Paradeep to Contai via. Jaleswar, Egra & back. Smt. Damayanti Nayak, owner of vehicle No.OD02-6199 has filed application for grant of permanent permit in the aforesaid route

Applicant, Smt. Damayanti Nayak, owner of vehicle No.OD02-6199 was represented by advocate Sri A.K. Behera. She has submitted the self-declaration in Annexure-A and B. She has not submitted valid Bank Guarantee/Solvency certificate on the date of meeting.

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, West Bengal vide their letter dated 27.10.2022 intimated that in their board meeting held on 08.12.2022 it was decided that no replacement of vehicle and countersignature of new permits will be allowed if the pollution norm of the vehicle is less than BS IV. The vehicle OD02-6199 offered by the applicant is BS III compliant and no new permit will be granted to said vehicle.

The STA after due deliberation decided to reject the application filed by Smt. Damayanti Nayak for non-submission of Solvency Certificate/Bank Guarantee, the vehicle OD02-6199 is BS III compliant and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.1.2:-PARADEEP TO NANDIGRAM VIA.EXPRESS HIGHWAY, CHANDIKHOLE, JALESWAR, LAXMANNATH, CONTAI, BAJKUL & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Paradeep to Nandigram via.Express Highway, Chandikhole, Jaleswar, Laxmannath, Contai, Bajkul & back. Sri Tapan Sahoo, owner of vehicle No.OD04U-2189 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Tapan Sahoo, owner of vehicle No.OD04U-2189 was represented by advocate Sri A.K. Behera. 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 Tapan Sahoo, owner of vehicle No.OD04U-2189 in the Interstate route Paradeep to Nandigram via. Express Highway, Chandikhole, Jaleswar, Laxmannath, Contai, Bajkul & back to perform one trip daily 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, Kolkata. 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:-CHANDINIPAL TO KHEJURI VIA.BASUDEVPUR, HALADIPADA, JALESWAR, MOHANPUR, CONTAI & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Chandinipal to Khejuri via. Basudevpur, Haladipada, Jaleswar, Mohanpur, Contai & back. Smt. Sabitarani Mohapatra, owner of vehicle No.OD15J-7655 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Smt. Sabitarani Mohapatra, owner of vehicle No.OD15J-7655 was represented by advocate Sri S. Mishra. She has submitted the Solvency Certificate and self-declaration in Annexure-A and B.

As per Vahan data one e-challan vide No.OR64822230212114224, dated 12.02.2023 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.



Following three objections received by this authority regarding clash of timings.

- 1- K. Mohammad, Advocate on behalf of Smt. Suchismita Pallai, owner of vehicle No OD01R-4646.
- 2- Sri Prasanna Kumar Behera, Advocate on behalf of Smt. Debasmita Patra, owner of vehicle No OR11J-2298.
- 3- Sri H.P. Mohanty, Advocate on behalf of Sri Mohan Charan Behera, owner of vehicle No OD11-9635.

As per decision taken in 291st STA meeting held on 19.02.2020, no permit shall be granted to a vehicle for one year against which VCR has been drawn U/s 192 (A) of M.V. Act, 1988. Since the applicant operated her vehicle without permit/ violating permit conditions, her past performance as stage carriage operator is found not satisfactory and not congenial to traveling public. It was decided to reject the application of Smt. Sabitarani Mohapatra in respect of vehicle No OD15J-7655. No permit will be granted to vehicle OD15J-7655 for a period of one year.

The STA after due deliberation decided to reject the application filed by Smt. Sabitarani Mohapatra, owner of vehicle No OD15J-7655 and notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.1.4:-PATNAGARH TO RAIPUR VIA.PADAMPUR, KHARIAR & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Patnagarh to Raipur via.Padampur, Khariar & back. Sri Nabin Kumar Dash, owner of vehicle No OD03Y-8687 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Nabin Kumar Dash, owner of vehicle No OD03Y-8687 was represented by advocate Sri J.N. Mohanty. He has submitted 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 Nabin Kumar Dash, owner of vehicle No.OD03Y-8687 in the Interstate route Patnagarh to Raipur via.Padampur, Khariar & 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, 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.1.5:-KUCHINDA TO RAIGARH VIA.JHARSUGUDA, KANAKTORA & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Kuchinda to Raigarh via. Jharsuguda, Kanaktora & back. Smt. Rosy Dash, owner of vehicle No.OD23Q-1419 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Smt. Rosy Dash, owner of vehicle No.OD23Q-1419 was represented by advocate Sri H.P. Mohanty. 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 Smt. Rosy Dash, owner of vehicle No.OD23Q-1419 in the Interstate route Kuchinda to Raigarh via.Jharsuguda, Kanaktora & back 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.1.6:-DHAMARA TO CONTAI VIA.JALESWAR & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Dhamara to Contai via.Jaleswar & back. Sri Bhramarbar Nayak, owner of vehicle No.OD01AT-7979 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Bhramarbar Nayak, owner of vehicle No.OD01AT-7979 was represented by Advocate Sri Subhrajit Jona. 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.

Two objections received by this authority regarding clash of timings.

- 1- Advocate Sri S. Mishra has filed objection on behalf of Smt. Haimabati Nayak, owner of vehicle No.OR01AQ-6185.
- 2- Advocate Sri S. Mishra on behalf of Sibasish Dwivedy, owner of vehicle No.OD22X-2188.

Objection on timing will be resolved by Secretary, STA before issue of permit.

After due deliberation, it is decided to grant permanent stage carriage permit to Sri Bhramarbar Nayak, owner of vehicle No.OD01AT-7979 in the Interstate route Dhamara to Contai via. Jaleswar & back 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 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-chaffan 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:-BARIPADA TO CONTAI VIA.SIRSAPAL, AMARDA ROAD, JALESWAR, SOLPETA, EGRA & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Baripada to Contai via. Sirsapal, Amarda Road, Jaleswar, Solpeta, Egra & back. Salkh Samiruddin, owner of vehicle No OD11AC-0862 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Salkh Samiruddin, owner of vehicle No.OD11AC-0862 is absent on call. He has submitted the self-declaration in Annexure-A and B. He has not submitted valid Bank Guarantee/Solvency certificate at the time of meeting.

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 Salkh Samiruddin for non-submission of Solvency Certificate/Bank Guarantee and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.1.8:-PADAMPUR TO SARAIPALI & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Padampur to Saraipali & back. Smt. Anjali Meher, owner of vehicle No.OD17AB-8211 has filed application for grant of permanent permit in the aforesaid route.



Applicant, Smt. Anjali Meher, owner of vehicle No. OD17AB-8211 was represented by advocate Sri J.N. Mohanty. She has submitted the Solvency Certificate 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 Smt. Anjali Meher, owner of vehicle No. OD17AB-8211 in the Interstate route Padampur to Saraipali & back to perform four 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.1.9:-SUNDERGARH TO BILASPUR VIA. JHARSUGUDA, KANAKTORA, RAIGARH, SARANGARH & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Sundergarh to Bilaspur via. Jharsuguda, Kanaktora, Raigarh, Sarangarh & back. Sri Titu Parida, owner of vehicle No. OD23K-0588 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Titu Parida, owner of vehicle No. OD23K-0588 was represented by advocate Sri J.N. Mohanty. He has submitted the Solvency Certificate 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.



Sri H.P. Mohanty, Advocate of behalf of Smt. Rosy Dash, owner of vehicle No.OD23N-8447 has filed an objection regarding clash of timings which was withdrawn.

After due deliberation, it is decided to grant permanent stage carriage permit to Sri Titu Parida, owner of vehicle No.OD23K-0588 in the Interstate route Sundergarh to Bilaspur via. Jharsuguda, Kanaktora, Ralgarh, Sarangarh & back to perform one trip daily as express 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.1.10:-SUNDERGARH TO DANDAPANI & SUNDERGARH TO JHARSUGUDA & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate enclave route Sundergarh to Dandapani & Sundergarh to Jharsuguda & back. Sri Sitaram Jaiswal, owner of vehicle No.OD16B-4655 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Sitaram Jaiswal, owner of vehicle No.OD16B-4655 is absent on call. He has submitted the self-declaration in Annexure-A and B. He 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.

The STA after due deliberation decided to reject the application filed by Sri Sitaram Jaiswal for non-submission of Solvency Certificate/Bank Guarantee and to



notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.1.11:-JHARSUGUDA TO MAHENDRAGARH VIA. SUNDERGARH, SUBDEGA, PATHALGAON, AMBIKAPUR & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Jharsuguda to Mahondragarh via. Sundergarh, Subdega, Pathalgaon, Ambikapur & back. Abid Hussain, owner of vehicle No.OD16M-1919 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Abid Hussain, owner of vehicle No.OD16M-1919 was represented by advocate Sri. H.P. Mohanty. He has submitted the Solvency Certificate 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 Abid Hussain, owner of vehicle No.OD16M-1919 in the Interstate route Jharsuguda to Mahendragarh via.Sundergarh, Subdoga, Pathalgaon, Ambikapur & back to perform one trip daily as AC Deluxe 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.1.12:-JHARSUGUDA TO MAHENDRAGARH VIA.SUNDERGARH,
SUBDEGA, PATHALGAON, AMBIKAPUR & BACK**

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Jharsuguda to Mahendragarh via. Sundergarh, Subdega, Pathalgaon, Ambikapur & back. Saddam Rahmani, owner of vehicle No.OD16M-0019 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Saddam Rahmani, owner of vehicle No.OD16M-0019 was represented by advocate Sri H.P. Mohanty. He has submitted the Solvency Certificate 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 Saddam Rahmani, owner of vehicle No.OD16M-0019 in the Interstate route Jharsuguda to Mahendragarh via. Sundergarh, Subdega, Pathalgaon, Ambikapur & back to perform one trip daily as AC Deluxe 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.1.13:-RAJNANDGAON TO DAMANJODI VIA.SUNABEDA, KORAPUT,
JEYPORE, BORIGUMA, CHANDILI & BACK.**

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in



the interstate route Rajnandgaon to Damanjodi via. Sunabeda, Koraput, Jeypore, Boriguma, Chandili & back. Sri Ganesh Prasad Gupta, owner of vehicle No.CG17KY-8119 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Ganesh Prasad Gupta, owner of vehicle No.CG17KY-8119 was represented by advocate Sri Ramasish Acharya. 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.

He has submitted an undertaking to reassign the vehicle by Odisha registration number within one month failing which grant order of permit shall be cancelled. The STA in its 301st meeting held on 19.07.2023 decided not to grant permanent stage carriage permit having other state registration.

In view of above decision taken by STA as above, the STA after due deliberation decided to reject the application filed by Sri Ganesh Prasad Gupta for applying with a vehicle registered in Chhatisgarh and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.1.14:-RAJNANDGAON TO DAMANJODI VIA.SUNABEDA, KORAPUT, JEYPORE, BORIGUMA, CHANDILI & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Rajnandgaon to Damanjodi via. Sunabeda, Koraput, Jeypore, Boriguma, Chandili & back. Sri Ganesh Prasad Gupta, owner of vehicle No.CG17KX-8119 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Ganesh Prasad Gupta, owner of vehicle No.CG17KX-8119 was represented by advocate Sri Ramasish Acharya. 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.

He has submitted an undertaking to reassign the vehicle by Odisha registration number within one month failing which grant order of permit shall be cancelled. The STA in its 301st meeting held on 19.07.2023 decided not to grant permanent stage carriage permit having other state registration.

In view of above decision taken by STA as above, the STA after due deliberation decided to reject the application filed by Sri Ganesh Prasad Gupta for applying with a vehicle registered in Chhattisgarh and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.1.15:-ERLAGAON TO RAIPUR VIA.UMERKOTE, RAIGHAR & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper 'The Samaj' and English Newspaper 'The Times of India' on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Erlagaon to Raipur via. Umerkote, Raighar & back. Sri Ganesh Prasad Gupta, owner of vehicle No.CG17KY-2119 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Ganesh Prasad Gupta, owner of vehicle No.CG17KY-2119 was represented by advocate Sri Ramasish Acharya. 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.

He has submitted an undertaking to reassign the vehicle by Odisha registration number within one month failing which grant order of permit shall be cancelled. The STA in its 301st meeting held on 19.07.2023 decided not to grant permanent stage carriage permit having other state registration.

In view of above decision taken by STA as above, the STA after due deliberation decided to reject the application filed by Sri Ganesh Prasad Gupta for



applying with a vehicle registered in Chhatisgarh and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.
ITEM NO.1.16:-ERLAGAON TO RAIPUR VIA.UMERKOTE, RAIGHAR & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Erlagaon to Raipur via.Umerkote, Raighar & back. Sri Ganesh Prasad Gupta, owner of vehicle No.CG17KY-3119 has filed application for grant of permanent permit in the aforesaid route.

Applicant, Sri Ganesh Prasad Gupta, owner of vehicle No.CG17KY-3119 was represented by advocate Sri Ramasish Acharya. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

As per Vahan data no e-chaffan 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.

He has submitted an undertaking to reassign the vehicle by Odisha registration number within one month failing which grant order of permit shall be cancelled. The STA in its 301st meeting he'd on 19.07.2023 decided not to grant permanent stage carriage permit having other state registration.

In view of above decision taken by STA as above, the STA after due deliberation decided to reject the application filed by Sri Ganesh Prasad Gupta for applying with a vehicle registered in Chhatisgarh and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

INTER-STATE ROUTES (MULTI APPLICATIONS)

ITEM NO.2.1:-CHANDABALI TO KOLKATA VIA.LAXMANNATH & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023, applications were invited for grant of permanent stage carriage permit in the interstate route Chandabali to Kolkata via. Laxmannath & back.



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

- 1- Sri Anshuman Chiranjib, owner of vehicle No.OD01AU-3527
- 2- Sri Bhramarbar Nayak, owner of vehicle No.OD01AS-7979

Applicant Sri Anshuman Chiranjib, owner of vehicle No.OD01AU-3527 is absent on call. He has submitted Solvency Certificate and self declaration in Annexure-A & B.

Applicant Sri Bhramarbar Nayak, owner of vehicle No.OD01AS-7979 is represented by advocate Sri Subhrajit Jena. He has submitted the Bank Guarantee and self declaration in Annexure-A & B.

The learned advocate on behalf of Sri Rabindra Kumar Das has filed a memo in M.V. Appeal No.12 of 2023 wherein it has been ordered "to stay operation of the notification dated 25.08.2023 and 20.10.2023 inviting fresh applications in the Interstate vacant routes from Chandabali to Kolkata via. Laxmannath & back till 16.12.2023".

After due deliberation, it is decided to defer the matter to next STA meeting after 16.12.2023.

INTERSTATE ROUTES (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 renewal of permanent 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".

The said matter was placed in the 300th meeting of STA held on 24.03.2023 wherein it was ordered to issue show cause notice to Sri Rabindra Kumar Das as to why permanent permit so granted shall not be cancelled U/s 86 of M.V Act 1988 for violation of permit conditions.

In response to this office letter No.6711/TC, dated 03.05.2023 the owner has furnished his reply to the show cause along with a prayer to replace the vehicle OR02AS-8229 by vehicle No.OD02BD-2199.

This matter covers item 3.1 of 301st STA meeting held on date 19.07.2023. No action required to be taken as permit No.57-R-2017 issued to Sri Rabindra Kumar Das in respect of vehicle No.OR02AS-8229 has been cancelled by STA in its 301st meeting which is the subject matter of M.V. Appeal No.12 of 2023 pending before Hon'ble STAT.

The matter is deferred to next STA meeting.



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

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. Accordingly Secretary, STA, West Bengal has been requested to countersign the permit for smooth operation of the vehicle.

In the meantime an objection has been filed by the learned advocate on behalf of Sri Subrat Snee, owner of vehicle No.WB76A-5337 for non-mentioning of stoppage Bhagabanpur in part-A & B of the permit and operating the vehicle through Henria instead of Bhagabanpur while plying from Egra to Bajkul creating disturbance in smooth plying of the vehicle of the objector.

It is pertinent to mention here that, earlier 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 warned by this authority and was directed to operate in the existing route & timing or else the permit shall be cancelled and notified vide letter No.15237/TC, dated 05.11.2022.

As per the objection filed by the learned advocate on behalf of Sri Subrat Snee, owner of vehicle No.WB76A-5337, 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 denied to submit the original P.P. and has requested this authority for change of alignment on the route Puri to Tamluk via.Bhupatinagar instead of Bhagabanpur in respect of vehicle No.OD01AC-7171.

The said matter was placed in 300th STA meeting held on 24.03.2023 wherein it was directed to the permit holder Smt. Gaana to submit original part-A & B permit for necessary correction, failing which the matter will be placed before STA for cancellation of permanent permit for plying her vehicle un-authorizedly.

Being aggrieved the permit holder Smt. Puspanjali Gaana has filed W.P. (C) No.15559/2023 before the Hon'ble High Court wherein it has been ordered that, the decision taken at item No.3.2 in the 300th virtual meeting of STA, Odisha held on 24.03.2023 shall remain stayed till next date.



Learned advocate for Gaana has furnished a memo stating that stay has been extended by Hon'ble High Court till 24.01.2024.

The matter is deferred to next STA meeting.

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

The matter was placed in the 296th, 297th, 298th, 300th and 301st STA meeting and decision deferred due to pendency of M.V. appeal No.05 of 2022 before Hon'ble STAT.

After due deliberation, it was decided to defer the matter to next STA meeting.

ITEM NO.3.4:-RENEWAL OF PERMIT ON THE ROUTE KEONJHAR TO BOKARO VIA.CHAMPUA, CHAIBASA, TATA & BACK.

Permanent permit No.25-R-2023 has been issued in favour of Khizir Hayat in respect of vehicle No.OD09K-7677 to operate on the Inter-state route Keonjhar to Bokaro via.Champua, Chaibasa, Tata & back w.e.f.15.02.2024 to 14.02.2029.

Similarly permanent permit No.26-R-2023 has been issued in favour of Khizir Hayat in respect of vehicle No.OD09K-7977 to operate on the Interstate route Keonjhar to Bokaro via.Champua, Chaibasa, Tata & back w.e.f.11.10.2023 to 10.10.2028. Accordingly the Secretary, STA Jharkhand and West Bengal, Kolkata have been requested by this authority to countersign the above two permits for smooth operation of the vehicles.

Sri Satwik Bhattacharya, Adv. High Court of Calcutta filed objection on behalf of one Sri Sanjay Kumar Kejriwal. He alleged that, the above vehicles are operating in the portion of West Bengal without any countersignature from the said Authority. Moreover he has also alleged that, the route Keonjhar to Bokaro via. Champua, Chaibasa, Tata & back has not been included in the Reciprocal Transport Agreement issued by STA, West Bengal, Kolkata as no tripartite discussion has been made between the States of Odisha, West Bengal and Jharkhand.

But it is not understood why Sri Kejriwal did not file any objection during the last 5 years of operation by Sri Khizir Hayat.

It was decided to include the route in the next reciprocal transport agreement with West Bengal.



ITEM NO.3.5:-ALAKUNDA TO KOLKATA VIA.LAXMANNATH & BACK.

Permanent permit No.36-R-2021 has been issued in favour of Sri Sanjeeb Kumar Biswal in respect of vehicle No.OR04N-7000 to operate on the Interstate route Alakunda to Kolkata via Laxmannath & back w.e.f.05.07.2021 to 04.07.2026.

Similarly permanent permit No.37-R-2021 has been issued in favour of Sri Sanjeeb Kumar Biswal in respect of vehicle No.OR22B-1888 to operate on the Interstate route Alakunda to Kolkata via Laxmannath & back w.e.f. 05.07.2021 to 04.07.2026. Accordingly the Secretary, STA, West Bengal, Kolkata has been requested by this authority to countersign the above two permits for smooth operation of the vehicles.

In the meantime an objection has been received alleging that, the above two buses are plying up to Mangalpur instead of Alakunda. Accordingly show cause was issued to the permit holder as to why permanent permit so granted in his favour shall not be cancelled U/s 86 of MV act, 1988 for violation of permit condition vide this office letter No.15940/TC, dated 19.10.2023

The learned advocate on behalf of Sri Sanjeeb Kumar Biswal, owner of vehicle No.OR04N-7000 and OR22B-1888 has furnished the reply to the show cause.

After due deliberation, it is decided to issue warning to the operator not to repeat such violation in future.

ITEM NO.3.6:-KCBT AT SANTRAGACHI TO PHULBANI VIA.LAXMANNATH, BALASORE, CUTTACK, NAYAGARH& BACK.

Permanent permit No.WB2022-SC-0300A issued by STA, West Bengal, Kolkata in favour of Sri Nabendu Sahoo in respect of vehicle No.WB41J-9761 to operate on the Interstate route KCBT at Santragachi to Phulbani via Laxmannath, Balasore, Cuttack, Nayagarh & back valid till 27.11.2027 has been countersigned by this authority vide C/s No.42-G-2022.

In the meantime one objection has been received by this authority from Sri Sardeswar Mishra, owner of vehicle No.OD11R-1761 alleging that, Sri Sahoo has obtained the registration certificate along with permanent permit by committing forgery and cheating. Further he has stated that, the RC particulars it has been



mentioned that there are 12 sleepers whereas in reality there are 18 sleepers. Moreover, the bus does not comply the mandate of AIS-052 (Bus body code).

Accordingly show cause notice has been issued to Sri Nabendu Sahoo as to why the permanent permit shall not be cancelled U/s 86 of MV Act 1988 for violation of permit conditions vide this office letter No.9299/TC, dated 23.06.2023.

Sri S. Mishra, Advocate for Nabendu Sahoo prayed for time to file reply. Time allowed.

The matter is deferred to next meeting for decision. Nabendu Sahoo shall file reply before next STA meeting.

ITEM NO.3.7:- BARIPADA TO BOKARO VIA.RAIRANGPUR, TIRING, PURULIA, TATA & BACK.

Permanent permit No.28-G-2022 Issued in favour of Smt. Nisha Patra in respect of vehicle No.OD11X-7551 to operate on the Interstate route Baripada to Bokaro via.Rairangpur, Tiring, Purulia, Tata & back w.e.f.03.11.2022 to 02.11.2027. Accordingly the Secretary, STA, Jharkhand and West Bengal, Kolkata have been requested by this authority to countersign the above permit for smooth operation of the vehicle. In the meantime one objection has been received from Sri Abhishek Choudhury, Proprietor of M/s Kangsabati Transport alleging that the above mentioned vehicle is operating on the said route without any countersignature from STA, West Bengal.

Further he has stated that the route Baripada to Bokaro via. Rairangpur, Tiring, Purulla, Tata & back has not been included in the reciprocal transport agreement with West Bengal.

Accordingly, show cause notice has been issued to Smt. Nisha Patra, owner of vehicle No.OD11X-7551 as to why the permanent permit shall not be cancelled U/s 86 of MV Act 1988 for violation of permit conditions vide this office letter No.15034/TC, dated 04.10.2023.

After due deliberation, it is decided to issue warning to the operator not to repeat such violation in future and to include the route in the next reciprocal transport agreement with West Bengal.



INTER-REGION (SINGLE APPLICATION)

ITEM NO.4.1:-BANPUR TO PHULBANI VIA-NUAGAON, DASHAPALLA & BACK.

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times Of India" on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Banpur to Phulbani via- Nuagaon, Dashapalla and back, Sri Suresh Samantasinghar, owner of vehicle No.OD02BK-7978 has filed application for grant of permanent permit in the aforesaid route

Applicant Sri Suresh Samantasinghar, owner of vehicle No.OD02BK-7978 was represented by Advocate Sri S. Mishra. He has submitted Xerox copy of Bank guarantee from Punjab National Bank, Balugaon Branch issued on 24.11.2023 valid till 23.11.2024. He has submitted 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, it is found that, he has submitted Annexure-A & B disclosing that, he is the owner of vehicle No.OD02BK-7978, OD02BK-0765, OD02AF-4849, OD02AV-5140, OR05AH-2033 & OD02BK-2582 suppressing the fact that he owns one more vehicle i.e. OD02BK-4728.

The STA after due deliberation decided to reject the application filed by Sri Suresh Samantasinghar, owner of vehicle No.OD02BK-7978 for suppression of fact and submitting wrong information in Annexure A & B and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.4.2:-KOTAGADA TO BERHAMPUR & BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times Of India" on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Kotagarh to Berhampur and back, Sri Purnachandra Das, owner of vehicle No.OD12B-2142 has filed application for grant of permanent permit in the aforesaid route.



Applicant Sri Purnachandra Das, owner of vehicle No.OD12B-2142 was represented by Advocate K. Mohammad. He has submitted Xerox copy of Bank guarantee from State Bank of India, Aska Branch issued on 13.11.2023 valid till- 12.11.2024. He has submitted 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.

On verification from online it is seen that the owner has applied for New T.P on the aforesaid route and his application was placed in the permit committee meeting held on 11.10.2023 vide SI.No-249 and proceeding is pending for issue. The owner has stated in the virtual meeting held on 24.11.2023 that he will withdraw his New T.P application.

The STA after due deliberation decided to grant Permanent Stage Carriage Permit to Sri Purnachandra Das, owner of vehicle No.OD12B-2142 in inter region vacant route Kotagarh to Berhampur and back for a period of 5 years to perform one trip daily as Express norm of service, subject to verification of original documents submitted by him. 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.4.3:- BHUBANESWAR TO ANGUL VIA-JATAMUNDIA

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Bhubaneswar to Angul via- Jatamundia and back, Sri Prasanta Kumar Mohapatra, owner of vehicle No.OD05G-6297 has filed application for grant of permanent permit in the aforesaid route.

Applicant Sri Prasanta Kumar Mohapatra, owner of vehicle No.OD05G-6297 was represented by Advocate S. Mishra. He has submitted Bank guarantee from



Bank of Boroda, Nayapalli Branch, Bhubaneswar issued on 24.11.2023. He has also submitted Solvency Certificate from Bank of Boroda, Nayapalli Branch, Bhubaneswar issued on 23.11.2023. He has submitted 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.

The STA after due deliberation decided to grant Permanent Stage Carriage Permit to Sri Prasanta Kumar Mohapatra, owner of vehicle No.OD05G-6297 in inter region vacant route Bhubaneswar to Angul via- Jatamundia and back for a period of 5 years as ordinary norm of service subject to verification of original documents submitted by him. 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.4.5:- CUTTACK TO KENDRAPARA VIA-CHANDIKHOLE & BACK 2RT

Pursuant to the advertisement published in website and daily Odia newspaper 'The Samaj' and English Newspaper 'The Times Of India' on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Cuttack to Kendrapara via- Chandikhole and back 2RT, Sri Jyoti Prakash Mallick, owner of vehicle No.OD05AP-5597 has filed application for grant of permanent permit in the aforesaid route.

Applicant Sri Jyoti Prakash Mallick, owner of vehicle No.OD05AP-5597 was represented by Advocate S. Mishra. He has submitted Bank guarantee from Union Bank of India, Cuttack Main Branch, issued on 22.11.2023 valid till 21.11.2024. He has submitted 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.



The STA after due deliberation decided to grant Permanent Stage Carriage Permit to Sri Jyoti Prakash Mallick, owner of vehicle No.OD05AP-5597 in inter region vacant route Cuttack to Kendrapara via- Chandikhole and back 2RT for a period of 5 years as ordinary norm of service subject to verification of original documents submitted by him. 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.4.6:- DOSHIA TO BHUBANESWAR VIA- TINIMUHANI, DUHURIA, BALICHANDRAPUR & BACK.

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times Of India" on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Doshia to Bhubaneswar via- Tinimuhani, Duhuria, Balichandrapur and back, Sri Prasanta Kumar Jena, owner of vehicle No.OD04G-8584 has filed application for grant of permanent permit in the aforesaid route.

Applicant Sri Prasanta Kumar Jena, owner of vehicle No.OD04G-8584 was represented by Advocate J.N Mohanty. He has submitted Bank guarantee from Bank of India, Pattamundai Branch, issued on 17.11.2023 valid till 16.11.2024. He has submitted 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.

The STA after due deliberation decided to grant Permanent Stage Carriage Permit to Sri Prasanta Kumar Jena, owner of vehicle No.OD04G-8584 in inter region vacant route Doshia to Bhubaneswar via- Tinimuhani, Duhuria, Balichandrapur and back for a period of 5 years as Express norm of service subject to verification of original documents submitted by him. 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.4.7:- LULKIDIHI TO ROURKELA VIA-SUBDEGA, NUAGAON & BACK

Pursuant to the advertisement published in website and daily Odia newspaper 'The Samaj' and English Newspaper 'The Times Of India' on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Lulkidihi to Rourkela via- Subdega, Nuagaon and back, Felix Minz, owner of vehicle No.OD16L-0904 has filed application for grant of permanent permit in the aforesaid route.

Applicant Felix Minz, owner of vehicle No.OD16L-0904 was represented by Advocate H.P Mohanty. He has not submitted Bank guarantee/solvency certificate as required under section 71(3)(d)(i) of MV ACT 1988. He has submitted self-declaration in Annexure-A and B.

Applicant Felix Minz, owner of vehicle No.OD16L-0904 has not submitted solvency certificate on 24.11.2023.

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.

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.

There are two objections received against the above notified vacant route. The details are given below:

- 1) Advocate Sri J.N Mohanty on behalf of Sri Amit Sharma, owner of vehicle no.OD16H-9355 has filed an objection for clash of timings from Rourkela at 13:25.
- 2) Advocate K Mohammad on behalf of SM Shamim Akhtar owner of vehicle no-OD16A-2377 has filed an objection for clash of timings from Subdega, Kutra & Rajgangpur.

The STA after due deliberation decided to reject the application filed by Felix Minz, owner of vehicle No.OD16L-0904 for non submission of solvency

certificate/Bank Guarantee in due time. After due deliberation, it was resolved to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.4.8:- CUTTACK TO ASTARANGA VIA-ADASPUR, NIALI & BACK

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times Of India" on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Cuttack to Astaranga via-Adaspur, Niali and back, Sri Nihar Ranjan Swain, owner of vehicle No.OD05BN-5886 has filed application for grant of permanent permit in the aforesaid route.

Applicant Sri Nihar Ranjan Swain, owner of vehicle No.OD05BN-5886 was present. He has submitted solvency certificate issued by Revenue Officer, Niali Tahsil on 15.11.2023.

He has submitted 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.

The STA after due deliberation decided to grant Permanent Stage Carriage Permit to Sri Nihar Ranjan Swain, owner of vehicle No.OD05BN-5886 in inter region vacant route Cuttack to Astaranga via-Adaspur, Niali and back for a period of 5 years as ordinary norm of service subject to verification of original documents submitted by him. 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.4.9:- PARADEEP TO CHANDIKHOLE & BACK 2 RT

Applicant Sri Simran Singh, owner of vehicle no-OD02A-5707 is represented by Advt. J.N. Mohanty. He has submitted declaration in Annexure-A & B but not submitted Solvency Certificate/Bank Guarantee.



It was found that the route was not notified in the website in order to provide equal opportunity and fair play to all intending applicants.

After due deliberation, it was resolved to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public. Application filed by the above applicant will be considered along with applications that may be received pursuant to notification on merit.

ITEM NO.4.10:- CUTTACK TO PARADEEP VIA- DUHURIA & BACK

Applicant Sri Sanjeeb Kumar Mohanty, owner of vehicle No.OD04S-5787 is represented by Advocate Sri S. Mishra. He has submitted solvency certificate issued by Derabis Tahsildar on 02.01.2023 but not submitted declaration in Annexure-A & B.

It was found that the route was not notified in the website in order to provide equal opportunity and fair play to all intending applicants.

After due deliberation, it was resolved to reject the application filed by Sri Sanjeeb Kumar Mohanty, owner of vehicle No.OD04S-5787 for non-submission of declaration in Annexure-A and B and to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

INTER-REGION (MULTI APPLICATIONS)

ITEM NO.5.1:- CUTTACK TO PARADEEP & BACK 3RT DAILY

Pursuant to the advertisement published in website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Cuttack to Paradeep and back 3RT Daily.

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

- 1) Sri Rashmi Ranjan Parida, owner of vehicle No.OD05AV-8248.
- 2) Sri Ranjan Kumar Jena, owner of vehicle No.OD05BM-2985.

Applicant Sri Rashmi Ranjan Parida, owner of vehicle No.OD05AV-8248 is represented by Advocate Sri A.K. Behera. He has submitted original copy of Bank Guarantee issued by Union Bank of India, Paradeep Branch on 23.05.2023 valid till 23.05.2024 and submitted declaration in Annexure-A & B.



As per VAHAN data there are 3 e-challans are pending and no 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.

Applicant Sri Ranjan Kumar Jena, owner of vehicle No.OD05BM-2985 is represented by Advocate Sri H.P. Mohanty. He has submitted Xerox copy of Bank Guarantee issued by Odisha Gramya Bank, Cuttack Branch, Link Road, Cuttack on 18.07.2023 valid till 17.04.2024 and submitted declaration in Annexure-A & B.

Upon scrutiny of the above application of Sri Ranjan Kumar Jena, owner of vehicle No.OD05BM-2985 has applied by the applicant, it is found that, he has submitted Annexure-A & B disclosing that, he is the owner of vehicle No.OD05BM-2985 suppressing the fact that he owns six more vehicles i.e. OD17W-9148, OR02Y-7317, OD05AZ-5592, OR05AC-1038, OR05AG-1149 & OR05X-2091.

STA after due deliberation decided to reject the application filed by Ranjan Kumar Jena, owner in respect of vehicle No.OD05BM-2985 for suppression of fact and submitting wrong information in Annexure A & B.

The STA after due deliberation decided to grant Permanent Stage Carriage Permit to Sri Rashmi Ranjan Parida, owner of vehicle No.OD05AV-8248 in inter-region vacant route Cuttack to Paradeep and back 3RT Daily for a period of 5 years as ordinary norm of service subject to verification of original documents submitted by him. 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.5.2:- KERADAGARH TO BHUBANESWAR VIA-MADANPUR & BACK

Pursuant to the advertisement published in website and daily Odia newspaper 'The Samaj' and English Newspaper 'The Times Of India' on 07.11.2023 inviting applications for grant of permanent stage carriage permit in the inter region vacant route Keradagarh to Bhubaneswar via. Madanpur & Back.

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



- 1) Sri Jyoti Prakash Mallick, owner of vehicle No.OD05AP-5597.
- 2) Sri Debasish Panda, owner of vehicle No.OD29M-6266.
- 3) Sri Prasanta Kumar Jena, owner of vehicle No.OD05BQ-9619.
- 4) Sri Prasanta Kumar Jena, owner of vehicle No.OD04G-8584.

Applicant Sri Jyoti Prakash Mallick, owner of vehicle No.OD05AP 5597 is represented by Advocate Sri S. Mishra. Sri Mishra has submitted to withdraw the application which is rejected as withdrawn.

Applicant Sri Debasish Panda, owner of vehicle No.OD29M-6266 is represented by Advocate Sri H.P. Mohanty. He has submitted Xerox copy of Solvency Certificate issued by Tahasildar, Derabish on 29.02.2023 and submitted declaration in Annexure-A & B.

As per Vahan data one e-challan vide No.OR136819231122091402, dated 22.11.2023 has been drawn under section 192 (A) of M.V Act 1988 against vehicle No.OD29B-0066 owned by Sri Debasish Panda within one year prior to date of consideration of present application.

As per decision taken in 291st STA meeting held on 19.02.2020, no permit shall be granted to a vehicle for one year against which e-challan has been 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 Debasish Panda, owner of vehicle No.OD29M-6266. No permit will be granted to vehicle OD29M-6266 for a period of one year.

Applicant Sri Prasanta Kumar Jena, owner of vehicle No.OD05BQ-9619 is represented by Advocate Sri J.N. Mohanty. He has submitted Original Copy of Bank Guarantee issued by Branch Manager, Pattamundai Branch on 14.11.2023 valid till 13.11.2024 and submitted declaration in Annexure-A & 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.



Applicant Sri Prasanta Kumar Jena, owner of vehicle No.OD04G-8584 is represented by Advocate Sri J.N. Mohanty. Sri Mohanty has submitted to withdraw the application which is rejected as withdrawn.

The STA after due deliberation decided to grant Permanent Stage Carriage Permit to Sri Prasanta Kumar Jena, owner of vehicle No.OD05BQ-9619 in inter-region vacant route Keradagarh to Bhubaneswar via- Madanpur & Back for a period of 5 years as ordinary norm of service subject to verification of original documents submitted by him. 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.

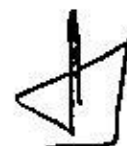
INTER REGION ROUTE (CASE MATTER)

ITEM NO.6.1- CONSIDERATION OF APPLICATION FOR REPLACEMENT OF EXISTING VEHICLE NO OD22A8551 BY HIGHER MODEL VEHICLE NO OD15G4811 ON THE ROUTE BALASORE TO BHUBANESWAR VIA- PANIKOILI, CHANDIKHOLE & BACK IN FAVOUR OF SRI RAJKISHORE SAHU.

Applicant Sri Rajkishore Sahu, owner of vehicle no.OD22A8551 appeared in person. Heard.

Permanent Permit no.PP99/160782/G has been granted to Sri Rajkishore sahu in respect of vehicle no.OD22A8551 on the route Balasore to Bhubaneswar via Panikoli, Chandikhole & back which is valid till 24.12.2026 as express nature of service. Sri Sahu has applied replacement of vehicle No.OD22A8551 by higher model vehicle no.OD15G4811 on 31.10.2023 through online.

On verification from VAHAN data base it is seen that the vehicle no.OD22A8551 was kept off road more than one year w.e.f. 01.11.2022 to 31.05.2023 (7 months) & 01.08.2023 to 31.01.2024 (6 months) during the PP period apart from COVID grace period and show cause was issued vide letter no-16858/TC dated 10.11.2023 in view of 291st STA resolution as to why his granted PP shall not be cancelled for violation of permit condition U/S 86 of MV ACT 1988. In response to the above notice Sri Sahu has submitted his show cause reply on 15.11.2023 and



intimated that due to some technical issues he has been kept off road his vehicle till date.

The applicant admitted that his bus has not operated in the given route from 01.11.2022 to 31.05.2023 and 01.08.2023 to 31.01.2024 (one year three months) causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus from 01.11.2022 to 31.05.2023 and 01.08.2023 to 31.01.2024 as required under rule 75 (3) of OMV Rules, 1993.

The STA in 291st meeting held on 19.02.2020 resolved the following.

"1.2 RENEWAL / CANCELLATION OF STAGE CARRIAGE PERMIT.

It was brought to the notice of STA that after availing permanent stage carriage permit, some of the permit holders are (1) not operating the bus in the given route and timing, (2) kept the vehicle off road for more than one year causing disruption of service which is detrimental to commuting public and (3) not paying tax due.

In order to prevent such type of non-operation of bus services and keeping in view interest of travelling public, it was resolved that:

(i) 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. The permit holder will furnish / upload self-declaration in Annexure-C at the time of making application for renewal of permit."

It is not disputed that his vehicle was under off road did not operate in the given route for one year and three months causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus as required under rule 75 (3) of OMV Rules, 1993.

Under the statute, it is the STA to look after the convenience of travelling public commuting from Balasore to Bhubaneswar via. Panikoli, Chandikhole & back for which permit was granted to petitioner considering volume of traffic in the said route. Non-plying of bus by the petitioner for more than one year is bound to cause inconvenience to travelling public. The commuting public had suffered a lot due to



non-operation of bus by the petitioner for one year and three months. For such deficiency in providing serviced to public by the petitioner, his conduct as stage carriage operator found to be not satisfactory.

The permit holder did not operate his vehicle for one year and three months without intimating the fact of non-operation of his vehicle to STA violating permit conditions for which the permit is liable to be cancelled under Section 86 (1) (a) of M.V. Act, 1988. The members of STA, after due deliberation, are of the view that the permit holder has failed to operate the bus in the given route for more than one year and thereby violated permit condition. Decision of STA to cancel the permit due to non operation is squarely applicable to the present case.

Considering the facts and circumstances of the case, provisions of law and decision taken by STA in 264th and 291st meetings, in exercise of powers under Section 86 (1) (a) of M.V. Act, 1988, it was resolved to reject application for replacement of vehicle issued to Sri Rajkishore Sahu, owner of vehicle no.OD22A8551 in the route Balasore to Bhubaneswar via Panikoli, Chandikhole & back for violating permit conditions. Application for replacement of vehicle is rejected. It was resolved that the route be notified in website of STA inviting applications for grant of permanent permit from deserving stage carriage operator.

The STA after due deliberation decided to reject the application filed by Sri Rajkishore Sahu, owner of vehicle No.OD22A8551 for keeping the vehicle off road more than one year in view of the 291st STA resolution and it is ordered to notify the route.

ITEM NO.6.2:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT NO.PP99/170819/G ON THE ROUTE PADAMAPUR TO PURI VIA- BARAGARH, SAMBALPUR, CUTTACK & BACK.

Advocate Sri J.N. Mohanty is appeared on behalf of Smt. Anupama Mohapatra, owner of vehicle no.OD15-4021.

Permanent Permit no.PP99/170819/G has been granted to Smt. Anupama Mohapatra in respect of vehicle no.OD15-4021 on the route Padampur to Puri via- Baragarh, Sambalpur, Cuttack & back which is valid till 24.09.2022. Smt Anupama Mohapatra has applied renewal of permanent permit for further 5 years after 7 months expiry of permit on 29.05.2023 through online.



On verification from VAHAN data base it is seen that the vehicle no. OD15-4021 was kept off road more than one year w.e.f. 01.11.2021 to 31.03.2023 (15 months) and Show cause notice was issued vide letter no. 12039/TC dated 17.08.2023 in view of 291st STA resolution as to why his granted PP shall not be cancelled for violation of permit condition U/S 86 of MV ACT 1988. In response to the above notice Smt. Mohapatra has submitted show cause reply on 25.08.2023 and intimated that due to major repair work she has been kept off road her vehicle till 31.03.2023.

Submission made by Advocate for Smt. Arupama Mohapatra and show cause filed by her has been taken up for consideration.

Total period of off road of vehicle of Smt Mohapatra was 15 months.

The STA in 291st meeting held on 19.02.2020 resolved the following

"1.2 RENEWAL / CANCELLATION OF STAGE CARRIAGE PERMIT.

It was brought to the notice of STA that after availing permanent stage carriage permit, some of the permit holders are (1) not operating the bus in the given route and timing, (2) kept the vehicle off road for more than one year causing disruption of service which is detrimental to commuting public and (3) not paying tax due.

In order to prevent such type of non-operation of bus services and keeping in view interest of travelling public, it was resolved that:

(i) 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. The permit holder will furnish / upload self-declaration in Annexure-C at the time of making application for renewal of permit."

It is not disputed that his vehicle was under off road did not operate in the given route for more than one year causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus for more than one year as required under rule 75 (3) of OMV Rules, 1993.

Under the statute, it is the STA to look after the convenience of travelling public commuting from Padampur to Puri via- Baragarh, Sambalpur, Cuttack & back



for which permit was granted to petitioner considering volume of traffic in the said route. Non-plying of bus by the petitioner for more than one year is bound to cause inconvenience to travelling public. The commuting public had suffered a lot due to non-operation of bus. For such deficiency in providing service to public by the petitioner, his conduct as stage carriage operator found to be not satisfactory.

The permit holder did not operate his vehicle for more than one year without intimating the fact of non-operation of his vehicle to STA violating permit conditions for which the permit is liable to be cancelled under Section 86 (1) (a) of M.V. Act, 1988. The members of STA, after due deliberation, are of the view that the permit holder has failed to operate the bus in the given route for more than one year and thereby violated permit condition. Decision of STA to cancel the permit due to non operation is squarely applicable to the present case.

Show cause filed by Smt Anupama Mohapatra 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 expiry of permit and not after expiry of permit.

It is not disputed that his vehicle was under off road did not operate in the given route for one year and three months causing inconvenience to travelling public.



The permit holder also did not intimate the STA about non-operation of bus as required under rule 75 (3) of OMV Rules, 1993.

Considering facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Smt Anupama Mohapatra 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 there under and in view of the fact that the vehicle was under off road for 15 months and not operating during the validity of permit. Application for renewal of permanent permit is rejected. It was decided to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.6.3:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT NO.PP99/130498/G ON THE ROUTE KEONJHAR TO CUTTACK VIA-J.K ROAD & BACK.

Advocate Sri S. Mishra is appeared on behalf of Sri Bichitrnanda Mohanty owner of vehicle no.OR01R7144.

Permanent Permit no.PP99/130498/G has been granted to Sri Bichitrnanda Mohanty in respect of vehicle no.OR01R7144 on the route Keonjhar to Cuttack via-J.K Road & back which is valid till 10.09.2023. Sri Mohanty has applied renewal of permanent permit for further 5 years on 07.09.2023 through online.

On verification from VAHAN data base it is seen that the vehicle no.OR01R7144 was kept off road more than one year w.e.f 01.01.2022 to 30.09.2022 (09 months), 01.11.2022 to 30.04.2023 (6 months) & 01.06.2023 to 31.08.2023 (3 months) and Show cause notice was issued vide letter no.15139/TC dated-05.10.2023 in view of 291st STA resolution as to why his granted PP shall not be cancelled for violation of permit condition U/S 86 of MV ACT 1988. In response to the above notice Sri Mohanty has submitted show cause reply on 21.10.2023 and intimated that due to illness he was kept off road his vehicle.

The applicant admitted that his bus has not operated in the given route from 01.01.2022 to 30.09.2022, 01.11.2022 to 30.04.2023 & 01.06.2023 to 31.08.2023 (one year six months) causing inconvenience to travelling public

Total period of off road of vehicle of Sri Mohanty was one year and six months. The STA in 291st meeting held on 19.02.2020 resolved the following.

"1.2 RENEWAL / CANCELLATION OF STAGE CARRIAGE PERMIT.

It was brought to the notice of STA that after availing permanent stage carriage permit, some of the permit holders are (1) not operating the bus in the given route and timing, (2) kept the vehicle off road for more than one year causing disruption of service which is detrimental to commuting public and (3) not paying tax due.

In order to prevent such type of non-operation of bus services and keeping in view interest of travelling public, it was resolved that:

(i) 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. The permit holder will furnish / upload self-declaration in Annexure-C at the time of making application for renewal of permit."

It is not disputed that his vehicle was under off road did not operate in the given route for more than one year causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus for more than one year as required under rule 75 (3) of OMV Rules, 1993.

Under the statute, it is the STA to look after the convenience of travelling public commuting from Keonjhar to Cuttack via- J.K Road & back for which permit was granted to petitioner considering volume of traffic in the said route. Non-plying of bus by the petitioner for more than one year is bound to cause inconvenience to travelling public. The commuting public had suffered a lot due to non-operation of bus. For such deficiency in providing services to public by the petitioner, his conduct as stage carriage operator found to be not satisfactory.

The permit holder did not operate his vehicle for more than one year without intimating the fact of non-operation of his vehicle to STA violating permit conditions for which the permit is liable to be cancelled under Section 86 (1) (a) of M.V. Act, 1988. The members of STA, after due deliberation, are of the view that the permit

holder has failed to operate the bus in the given route for more than one year and thereby violated permit condition. Decision of STA to cancel the permit due to non operation is squarely applicable to the present case.

Show cause filed by Sri Bichitrananda Mohanty 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 expiry of permit and not after expiry of permit.

It is not disputed that his vehicle was under off road did not operate in the given route for one year and one month causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus as required under rule 75 (3) of OMV Rules, 1993.

Considering facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Bichitrnanda Mohanty 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 there under and in view of the fact that the vehicle was under off road for one year and six months and not operating during the validity of permit. Application for renewal of permanent permit is rejected. It was decided to

notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.6.4:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT NO.PP99/130905/G ON THE ROUTE MUKHIGUDA TO BERHAMPUR VIA-MOTOR, JUNAGARH, BALIGUDA, ASKA & BACK.

Advocate Sri S. Mishra is appeared on behalf of Sri Subash Chandra Pattanayak, owner of vehicle no.OR07AA-9181

Permanent Permit no.PP99/130905/G has been granted to Sri Subash Chandra Pattanayak in respect of vehicle no.OR07AA-9181 on the route Mukhiguda to Berhampur via-Motor, Junagarh, Baliguda, Aska & back which is valid till 19.11.2023. Sri Pattanayak has applied renewal of permanent permit for further 5 years on 10.10.2023 through online.

On verification from VAHAN data base it is seen that the vehicle no.OR07AA-9181 was kept off road more than one year w.e.f. 01.08.2019 to 31.01.2020 (6 months), 01.11.2021 to 31.12.2021 (2 months) & 01.02.2022 to 31.07.2022 (6 months) & 01.12.2022 to 28.02.2023 (3 months) and show cause notice was issued vide letter no.16857/TC dated 10.11.2023 in view of 291st STA resolution as to why his granted PP shall not be cancelled for violation of permit condition U/S 86 of MV ACT 1988. In response to the above notice Sri Pattanayak has submitted show cause reply on 17.11.2023 and intimated that due to major body work he was kept off road his vehicle.

The applicant admitted that his bus has not operated in the given route from 01.08.2019 to 31.01.2020, 01.11.2021 to 31.12.2021, 01.02.2022 to 31.07.2022 & 01.12.2022 to 28.02.2023 (17 months) causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus from 01.08.2019 to 31.01.2020, 01.11.2021 to 31.12.2021, 01.02.2022 to 31.07.2022 & 01.12.2022 to 28.02.2023 (17 months) as required under rule 75 (3) of OMV Rules, 1993.



Total period of off road of vehicle of Sri Pattnaik was one year and five months.

The STA in 291st meeting held on 19.02.2020 resolved the following.

"1.2 RENEWAL / CANCELLATION OF STAGE CARRIAGE PERMIT.

It was brought to the notice of STA that after availing permanent stage carriage permit, some of the permit holders are (1) not operating the bus in the given route and timing. (2) kept the vehicle off road for more than one year causing disruption of service which is detrimental to commuting public and (3) not paying tax due.

In order to prevent such type of non-operation of bus services and keeping in view interest of travelling public, it was resolved that:

(i) 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. The permit holder will furnish / upload self-declaration in Annexure-C at the time of making application for renewal of permit."

It is not disputed that his vehicle was under off road did not operate in the given route for more than one year causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus for more than one year as required under rule 75 (3) of OMV Rules, 1993.

Under the statute, it is the STA to look after the convenience of travelling public commuting from Mukhiguda to Berhampur via-Motor, Junagarh, Balliguda, Aska & back for which permit was granted to petitioner considering volume of traffic in the said route. Non-plying of bus by the petitioner for more than one year is bound to cause inconvenience to travelling public. The commuting public had suffered a lot due to non-operation of bus. For such deficiency in providing serviced to public by the petitioner, his conduct as stage carriage operator found to be not satisfactory.

The permit holder did not operate his vehicle for more than one year without intimating the fact of non-operation of his vehicle to STA violating permit conditions for which the permit is liable to be cancelled under Section 86 (1) (a) of M.V. Act.



1988. The members of STA, after due deliberation, are of the view that the permit holder has failed to operate the bus in the given route for more than one year and thereby violated permit condition. Decision of STA to cancel the permit due to non operation is squarely applicable to the present case.

Show cause filed by Sri Subash Chandra Pattnaik has been considered.

It is not disputed that his vehicle was under off road did not operate in the given route for one year and five months causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus as required under rule 75 (3) of OMV Rules, 1993.

Considering facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Subash Chandra Pattnaik in view of the fact that the vehicle was under off road for one year and five months and not operating during the validity of permit. Application for renewal of permanent permit is rejected.

It was decided to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.6.5:- PRAYER TO STAY FOR CANCELLATION OF PERMIT NO.PP99/170874/G ON THE ROUTE OSTARAHAT TO ANUGUL VIA-KENDRAPARA, SALIPUR & CUTTACK.

Applicant Sri Jubula Kumar Jethy, owner of vehicle no.OD05AA-3733 is absent.

Permanent Permit No.PP99/170874/G has been granted in favour of Sri Jubula Kumar Jethy, owner of vehicle no.OR05AH-2555 replaced by vehicle no.OD05AA-3733 to operate on the route Ostarahat to Angul Via. Kendrapara, Salipur, Cuttack & Back valid till 31.10.2027.

The owner has operated his vehicle on the route Cuttack to Angul instead of granted route Ostarahat to Angul via Kendrapara, Salipur, Cuttack & Back. As per report of NHAI the matter was placed in 301st STA meeting held on 19.07.2023 vide item no.5.3 and decided to cancel his PP and notify the route in the website on 25.08.2023 for inviting application for grant of PP to deserving bus operators.

Being aggrieved Sri Jethy, owner of vehicle no.OD05AA-3733 has filed Misc. Case no.11/2023 before the Hon'ble S.T.A.T. Odisha, Cuttack and Hon'ble S.T.A.T. passed an interim order dated 27.09.2023 and directed to stay operation of the order

of cancellation of the PP No.PP99/170874/G granted in favour of the petitioner/appellant on the route from Ostarahat to Angul Via- Kendrapara, Salipur, Cuttack & Back in item no.5.3 on the proceeding of 301st virtual meeting of STA Odisha dated 19.07.2023 and subsequent notification dated 25.08.2023 regarding issue of fresh permit in the aforesaid till 27.10.2023.

In view of the order of the Hon'ble STAT the matter shall be decided after 27.10.2023. D.A. to comply on the due date unless there is any legal impediments.

ITEM NO.6.6:- CONSIDERATION OF APPLICATION FOR CONVERSION OF TP TO PP ON THE ROUTE KUNDAPOSH TO ROURKELA & ROURKELA TO RAJGANGPUR & BACK.

Advocate Sri H.P. Mohanty is appeared on behalf of Sri Shibu Rajak, owner of vehicle no.OR16D-7355.

Smt Anita Singh, owner of vehicle no.OD16K-7160 has filed an objection for class of timing at Rourkela just 5 mins before her vehicle.

Temporary Permit no.SIRT99/01070/2023 has been granted to Sri Shibu Rajak in respect of vehicle no.OR16D-7355 on the route Kundaposh to Rourkela & Rourkela to Rajgangpur & back which is valid till-07.09.2023. Sri Rajak has applied for conversion of TP to PP for 5 years on 21.08.2023 through online.

It is notice that the owner has lifted new TP on the aforesaid route w.e.f. 11.05.2023 to 07.09.2023 without vacant slot by suppression of fact and show cause has been issued in this office letter no.8077/TC dated 30.05.2023. Thereafter the Learned Advt. has filed petition on behalf of Sri Shibu Rajak, owner of vehicle no.OR16D-7355 on 04.10.2023 and requested to grant PP on the aforesaid route for 5 years.

The STA after due deliberation decided to reject the application filed by Sri Shibu Rajak, owner of vehicle No.OR16D-7355 for suppression of facts.

ITEM NO.6.7:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT VIDE NO.PP99/160449/G WITH REPLACEMENT OF EXISTING VEHICLE NO.OR05R-7985 BY HIGHER MODEL VEHICLE NO-OD05AQ-2485 ON THE ROUTE CUTTACK TO BHUBANESWAR & CUTTACK TO MIRICHPUR & BACK IN FAVOUR OF SRI PRAFULLA CHANDRA DALAI.

Sri Prasanta Kumar Dalai on behalf of his father Sri Prafulla Chandra Dalai is present.



Permanent Permit no.PP99/160449/G has been granted to Sri Prafulla Chandra Dalai in respect of vehicle no OR05R-7985 on the route Cuttack to Bhubaneswar & Cuttack to Mirichpur & back which is valid till 11.07.2021 w.e.f.12.07.2016. Sri Dalai has applied for renewal with replacement by a higher model vehicle no.OD05AQ-2485 in place of old vehicle no.OR05R-7985 on 31.07.2023 after two years and 20days expiry of PP through manually.

On verification it is seen that the RTO, Cuttack has already been cancelled the RC in respect of vehicle no.OR05R-7985 on 25.03.2019 U/S 55(1) of MV ACT 1988.

Submission made by Sri Prasanta Kumar Dalai and show cause filed by him has been taken up for consideration.

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 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 Sri Prafulla Chandra Datal owner of vehicle no. OR05R-7985 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 there under and in view of the fact that the vehicle was under off road for one year and seven

months and not operating during the validity of permit. Application for renewal of permanent permit and replacement of vehicle are rejected.

It was decided to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.6.8:- APPLICATION FOR RENEWAL OF PERMANENT PERMIT AND REPLACEMENT OF VEHICLE ON THE ROUTE ASTARANGA TO BHUBANESWAR.

Applicant Sri Satyanarayan Manasupakar, owner of vehicle no.OSP-2494 is absent.

Permanent Permit no.PP99/170901/G has been granted to SRI SATYANARAYAN MAHASUPAKAR in respect of vehicle no.OSP-2494 on the route ASTARANGA TO BHUBANESWAR 2RT which is valid till 29.10.2022 w.e.f. 30.10.2017. Sri Mahasupakar has applied for renewal with replacement by a higher model vehicle no.OD25G-4695 in place of old vehicle no.OSP-2494 on 23.05.2023 after 7 months expiry of PP through manually.

On verification from VAHAN data base It is seen that the vehicle no.OSP-2494 was kept off road from 01.12.2021 to 31.10.2022 (11 months) apart from COVID grace period and Showcase notice was issued vide letter no.9881/TC dated 06.07.2023 for apply after 7 months of expiry of existing PP. In response to the above notice Sri Mahasupakar has submitted show cause reply on 13.07.2023 and intimated that due to his personal problems he forget to apply renewal of PP in due period.

The matter is deferred to the next STA meeting.

ITEM NO.6.9:- RELEASE OF PERMANENT PERMIT IN FAVOUR OF SRI PRABIR KUMAR MOHANTY OWNER OF VEHICLE NO.OR11G-6595 ON THE ROUTE PAKTIA TO BHUBANESWAR VIA-BARIPADA & BACK, GRANTED IN 298TH STA MEETING HELD ON 09.01.2023 IN ITEM NO.5.5.

Advocate Sri S. Mishra is present on behalf of Sri Prabir Kumar Mohanty, owner of vehicle no.OR11G-6595.

The STA in its 298TH meeting held on 09.01.2023 in item no.5.5 decided to grant Permanent stage carriage Permit in favour of Sri Prabir Kumar Mohanty owner of vehicle no.OR11G-6595 in the inter region vacant route Paktia to Bhubaneswar via-



Baripada & back for a period of 5 years and communicated through website on dated 19.01.2023 to lift the permit within the period of 30 days from the dated of communication failing which the grant order shall deemed to be revoked but Sri Mohanty has deposited PP fees of Rs.13,000/- vide M/R No.W1169873 dated 27.06.2023 after six months to lift the permanent permit.

Sri Prabir Kumar Mohjanty, owner of vehicle no OR11G-6595 has been requested in this office letter no 9596/TC dated 30.06.2023 reason for non lifting of Permanent Permit on the granted route Paktia to Bhubaneswar via-Baripada & back and the owner has intimated that due to illness he could not lifted the permit within the stipulated period & also submitted supporting medical certificate .

The STA after due deliberation decided to reject the application for renewal and notify the route in website inviting application for grant of permanent permit.

ITEM NO.6.10:- APPLICATION FOR RENEWAL OF PERMANENT PERMIT NO.PP99/171048/G ON THE ROUTE KANTAMAL TO SAMBALPUR VIA-SONEPUR,BURLA & BACK IN RESPECT OF VEHICLE NO.OD31E-8399 IN FAVOUR SRI PRADYUMNA KUMAR HOTA.

Applicant Sri Pradyumna Kumar Hota, owner of vehicle no.OD31E-8399 is absent.

Permanent Permit no.PP99/171048/G has been granted to SRI PRADYUMNA KUMAR HOTA in respect of vehicle no.OD31E-8399 on the route KANTAMAL TO SAMBALPUR VIA-SONEPUR, BURLA & BACK which is valid till 06.11.2022 w.e.f.07.11.2017.

Sri Hota has applied renewal of permanent permit for further 5 years on 19.08.2023 after 9 months of expiry of permit through online and showcase notice has been issued in this office letter no.15600/TC dated 12.10.2023. In response to this notice Sri Hota has submitted show cause reply through learned Advt. on 16.10.2023 with medical certificate and intimated that he was under medical treatment from 25.10.2022 to 13.08.2023.

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 proscribed 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 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 Sri Pradyumna Kumar Fota owner of vehicle no. OD31E-8399 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 there under and in view of the fact that the vehicle was under off road for one year and seven months and not operating during the validity of permit. Application for renewal of permanent permit and replacement of vehicle are rejected.

It was decided to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

Memo No. 662 TC.
Copy to all members of STA for information.


Chairman 11/11/2024
STA, Odisha, Cuttack.

DL 12/01/24


Secretary,
STA, Odisha, Cuttack.