

**PROCEEDINGS OF THE 303rd VIRTUAL MEETING OF STA, ODISHA, CUTTACK
HELD ON 05.11.2024.**

MEMBERS PRESENT:-

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|---|-----|-----|----------|
| 1. Shri Amitabh Thakur, IPS
Transport Commissioner, Odisha | ... | ... | Chairman |
| 2. Mrs. Chinmayee Biswal, OAS (SAG)
Secretary, STA | ... | ... | Member |
| 3. Shri Soumit Mitra | ... | ... | Member |

At the outset, the Chairman, STA welcomed all the members of the STA to the 303rd virtual meeting of STA.

Proceedings of the 302nd virtual meeting of State Transport Authority held on 24.11.2023 circulated among all the members vide this Office Memo No. 662/TC dated 12.01.2024 is confirmed.

Action taken by Chairman, STA, Secretary, STA and Addl. Secretary, STA as per delegation of powers by STA for the period from 25.11.2023 to 04.11.2024 are approved.

POLICY DECISION

1.1 DELEGATION OF POWERS BY THE S.T.A.

The delegation of various powers previously made by the S.T.A. was reviewed and a fresh delegation was made in favour of the Chairman, Secretary, Addl. Secretary, Deputy Secretary and Under Secretary, STA in view of various litigation pending before Hon'ble High Court.

(A) Powers delegated in favour of the Chairman, S.T.A.

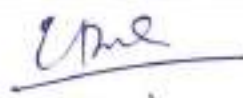
- i. Powers to grant / renew / refuse to grant / renew contract carriage permits and to attach condition to the said permits;
- ii. Powers to countersign or refuse to countersign Stage Carriage Permits and to attach conditions to the permits thus countersigned under the relevant provisions on inter- state routes;



- iii. Powers u/s 76 of the M.V. Act, 1988 to grant or refuse to grant private service vehicle permits and attach conditions to the permits thus granted;
- iv. Powers to renew or refuse to renew private service vehicle's permit where there is any arrear tax and arrear penalty (including the arrear in dispute) in respect of the vehicle covered by the permit and attach condition to the permits thus granted;
- v. Powers to grant temporary permits up to a period of four months in respect of Stage Carriages in any inter region route and inter state enclave route.
- vi. Powers to approve timings of arrival and departure of Stage Carriages plying on inter state / inter region routes;
- vii. Powers to transfer or refuse to transfer permits from one person to another under section 82 of the M.V. Act, 1988;
- viii. Powers u/s 83 of the M.V. Act. 1988 to permit replacement of one vehicle by another subject to policy decision taken by STA in this regard.
- ix. Powers under Sub-Section (1) of Section 86 of M.V. Act, 1988 to suspend a permit and to revoke or suspend countersignature of permits and to recover from the permit holder the sum of money agreed upon under sub-section (5) of the said section;

(B) Powers delegated in favour of the Secretary, S.T.A.

- i. Powers to renew or refuse to renew contract carriage permit where there is no arrear tax and penalty (including arrear in dispute) in respect of the vehicles covered by the permit and to attach conditions to the permits thus renewed;
- ii. Powers to renew or refuse to renew goods carriage permits where there is no arrear tax and penalty (including arrear in dispute) in respect of the vehicles covered by the permits and to attach conditions to the permits thus renewed;
- iii. Powers to grant temporary permits up to a period of four months to all types of transport vehicles except to stage carriages.
- iv. Powers to countersign or to refuse to countersign goods carriage permits and to attach conditions to the permit thus countersigned under the relevant provisions, if there is no arrear tax and penalty against the goods carriage in question;




- v. Powers to transfer or refuse to transfer permits from one person to another where transfer is sought between family members under section 82 of the M.V. Act, 1988;
- vi. Powers to renew or refuse to renew Stage Carriage Permits where there is no arrear tax and penalty (including arrear in dispute) in respect of the vehicle covered by the permit and to attach conditions to the permits thus renewed;
- vii. Powers to issue duplicate permits;
- viii. Powers to renew or refuse to renew countersignature of permits of all types on agreed inter- state routes if there are no arrear tax and penalty against the motor vehicle;
- ix. Powers to approve timing of arrival & departure of stage carriages plying on intra- state routes;
- x. Powers u/s 83 of the M.V. Act. 1988 to permit replacement of one vehicle by another subject to policy decision taken by STA in this regard.
- xi. Powers to grant special permits u/s 88 of the M.V. Act, 1988.

(C) Powers delegated in favour of the Addl. Secretary / Deputy Secretary / Under Secretary, S.T.A.

- i) Powers to renew or refuse to renew goods carriage permits where there is no arrear tax and penalty (including arrear in dispute) in respect of the vehicles covered by the permits and to attach conditions to the permits thus renewed;
- ii) Powers to grant temporary permits up to a period of four months to all types of transport vehicles except to stage carriages
- iii) Powers u/s 83 of the M.V. Act. 1988 to permit replacement of one vehicle by another subject to policy decision taken by STA in this regard.
- iv) Powers to grant special permits u/s 88 of the M.V. Act, 1988.
- v) Issue all types of permits.

Evaluation of application for grant of Stage carriage permit.

1.2 The STA in its 260th meeting held on 29.01.2011, 274th meeting held on 27.11.2013, 28.11.2013, 279th meeting held on 17.06.2015, 284th meeting held on 04.07.2017 & 05.07.2017, 287th meeting held on 22.01.2019 and 291st meeting held on 19.02.2020 formulated criteria regarding evaluation of applications for grant



of stage carriage permit and based on the marks obtained by each of the individual applicant, the best operator is being selected.

Keeping the above resolutions intact, after deliberation it was resolved that :

- (a) Five marks shall be given to women applicant.
- (b) Ten marks shall be given to PWD applicant having disability 60% or above.

1.3 NOTIFICATION OF ROUTES.

The STA in 275th meeting held on 14.02.2014 decided policy for notification of routes. Keeping intact the said decision, after deliberation it was further resolved that.

(a) **Renewal of Permanent Stage Carriage Permit:** Permanent Stage Carriage Permit for five years is granted by STA to bus owners to operate on the specific route and timing to provide service to the travelling public which is the prime consideration. It is noticed that after obtaining permanent permit, some of the bus owners declaring their vehicles off road for months together, not operating on the given route which frustrates very purpose of grant of permit and thereby causing inconvenience to the traveling public. The bus owners also do not provide another bus to operate against the vehicle, kept under off road thereby depriving the travelling public of getting service on the route in question.

Keeping in view the interest of commuting public, it was decided by STA in 264th meeting held on 30.01.2012 that if a vehicle is continuously declared off-road for six months, it will be presumed that either the vehicle is so badly damaged that it cannot be repaired or the operator does not have adequate financial resources to get the vehicle repaired. In such event, the P.P. so granted shall be cancelled or application for renewal shall not be considered. The route will be notified for grant permanent permit to deserving bus operators who can provide better service to the public.

Thereafter the bus owners with the intention to circumvent the above decision, kept their vehicles off road for five months at a stretch in different spells thereby causing inconvenience to the travelling public. Bus owners always look after their personal benefit and brushing aside the interest of travelling public.

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 on the



given route and timing, (2) keeping the vehicle off road for more than one year causing disruption of service which is detrimental to commuting public and (3) not paying tax dues.

In order to prevent such type of non-operation of bus services and keeping in view the interest of travelling public, it was decided in 291st meeting held on 19.02.2020 that:-

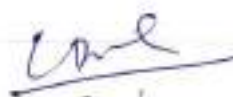
(i) Where the vehicle for which permanent stage carriage permit was issued on a route / routes had been declared off road for a period of one year during currency of permit in different spells, renewal of such permit shall not be considered. Besides steps will also be taken for cancellation of permit before its expiry.

In modification of decision taken by STA in its 291st meeting and taking into account difficulties faced by stage carriage owners during **Covid period and considering request made by All Odisha Bus Owners Association**, it was decided by STA in 294th meeting held on 17.08.2021 that while considering renewal / cancellation of permanent stage carriage permit, period of off road from March, 2020 to 31.10.2021 shall be excluded while computing total off road period."

The above decision was taken keeping in view the interest of travelling public. The STA has to look after convenience of travelling public while granting permit to bus owners.

All Odisha Bus Owners Association has filed representation for modification of aforesaid decision taken by STA in its 291st and 294th STA meeting and keeping in view the interest of travelling public it was resolved that :-

"Where the vehicle / vehicles covered under a permanent stage carriage permit had been declared off road continuously for a period of one year, and total one and half years in different spells during the currency of permit, renewal of such permit and replacement of such vehicle shall not be considered. Besides step will also be taken for cancellation of permit as prescribed under Section 86 of M.V. Act, 1988. Before completion of the period of off road as mentioned above, SMS alert will be sent to the permit holder in the Mobile number recorded in the VAHAN Application. In addition to alert through SMS, notice will also be published in the website for information of the permit holder and general public.



In spite of above SMS alert and publication in the website, if the permit holder fails to operate the vehicle after release from off road within the stipulated period as mentioned above, process for cancellation of permit under Section 86 of M.V. Act, 1988 will be initiated automatically by the OPTICS application on the next calendar day following due process of law in the interest of travelling public."

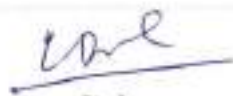
(ii) In case of renewal of stage carriage permanent permit, SMS will be sent to the permit holder / vehicle owner on the mobile number available in VAHAN Database, prior to 35 days, 17 days and on the date of expiry of permit enabling the permit holder to make application for renewal of permit before its expiry. In addition to SMS alert, notice will also be published in the website for information of the permit holder and general public. In spite of above SMS alerts, if the permit holder fails to apply for renewal of permit online before expiry of permit as provided under Section 81 of M.V. Act, 1988, the route will be notified in the website automatically by the OPTICS application on the next calendar day inviting applications for grant of permanent stage carriage permit from the deserving bus operators in the interest of travelling public.

(iii) In all cases application for renewal of stage carriage permanent permit shall invariably be made online. Where such renewal application is made prior to expiry of permit as provided under Section 81 (2) of M.V. Act, 1988 and such application is not considered as the stage carriage is not within the age limit decided by STA, the route will be notified in the website only after disposal of renewal application in accordance with law.

(b) The STA further resolved that in case of surrender of permanent stage carriage permit, it should be cancelled under Rule 51 of OMV Rules and the route will be notified in the website automatically by the OPTICS application on the next calendar day inviting applications for grant of permanent stage carriage permit from the deserving bus operators in the interest of travelling public.

(c) After due deliberation it was resolved that in cases where temporary permit was granted on any rationalized route and the permit holder did not apply for grant of permanent permit on the said route or temporary permit was lapsed, the slots will be notified as vacant slots in the website.

(d) Grant of stage carriage permit on any inter state / intra state routes will be considered on the rationalized routes between 19.30 to 06.00 hrs and covering minimum distance of 400 kms.



(e) Grant of stage carriage permit on all rationalized routes except Sundargarh – Rourkela route will be considered where overlapping does not exceed 30% of routes covered under the main category (the route covered from the starting point to the terminus of the said rationalized route) and should not cover more than 50% of the route category wise. The grant of permit shall not be considered in any complete category/ sub-category of rationalized route unless it is vacant.

(f) Considering high traffic potentiality and keeping in view interest of travelling public it was resolved that the route from Berhampur to Aska and Angul to Talcher will be considered as free zone while considering grant of stage carriage permit on the above routes.

1.4 NATURE OF SERVICE OF BUS.

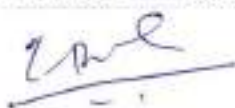
a) **"Deluxe stage carriage - Non Air Conditioned"** means Bus manufactured as Non deluxe category or semi deluxe category as per AIS052 having no provision for Air Condition covered under a permit authorizing the same to stop, pick up and set down passengers once in an average distance of five kilometers covered by its route, with the exception of District, Sub-Division, Tahasil, Block Headquarters en-route and the place of its starting and terminus.

b) **"Air conditioned Non-Deluxe Express stage carriage"** means Bus manufactured as Non deluxe category or semi deluxe category as per AIS052 having provision for Air Condition covered under a permit authorizing the same to stop, pick up and set down passengers once in an average distance of twenty five kilometers covered by its route, with the exception of district, subdivision, Tahasil, block headquarters en-route and the place of its starting and terminus.

INTER-STATE ROUTES (SINGLE APPLICATIONS)

ITEM NO. 1:- BARIPADA TO DALTANGANJ VIA.RAIRANGPUR, TIRING, TATA, RANCHI & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper **"The Samaj"** and English Newspaper **"The Times of India"** on **09.10.2024 & 22.10.2024**, inviting application for grant of permanent stage carriage permit in the interstate route **Baripada to Daltanganj via.Rairangpur, Tiring, Tata, Ranchi & back** which is notified vide Sl. No.08 of the Interstate vacant routes between Odisha and Jharkhand as notified in website wherein the STA, Odisha has



to grant one permit with one trip daily covering a distance of 118 kms. in Odisha and 395 kms. in Jharkhand as Express nature of service, **Arnav Travels, I/c Umashankar Pradhan** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Arnav Travels, I/c Umashankar Pradhan**, owner of vehicle No.**OD11S-9646** was represented by advocate **Sri S.S. Mishra**. 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.

In the meantime one objection has been received from Advocate **Sri Abhaya Kumar Behera**, on behalf of **Sri Tapan Kumar Behera** regarding clash of timing at Baripada.

After due deliberation, it is decided to grant permanent stage carriage permit to **Arnav Travels, I/c Umashankar Pradhan**, owner of vehicle No.**OD11S-9646** in the Interstate route **Baripada to Daltanganj via. Rairangpur, Tiring, Tata, Ranchi & 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, Jharkhand, Ranchi. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of 30 days from the date of communication of grant order, failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration..

ITEM NO. 2:- BALASORE TO MEDINAPORE 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 **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Balasore to Medinapore via. Laxmannath& back** which is notified vide Sl. No.22 of the Interstate vacant routes between Odisha and West Bengal as notified in website wherein the STA, Odisha has to grant two permits with four trips daily covering a distance of 75 kms. in Odisha and 150 kms. in



West Bengal as ordinary nature of service, **Rahul Chanda** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Rahul Chanda**, owner of vehicle No.**OD01AY-5457** was absent. He has submitted the self-declaration in Annexure-A and B but 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 **Rahul Chanda** 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.03:- BHUBANESWAR TO RASALPUR 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 **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Bhubaneswar to Rasalpur via, Laxmannath & back** which is notified vide SI. No.28 of the notification regarding surrender of permit vide No.07-R-2023 issued to vehicle No.OD11K-1398, **Sri Lingaraj Swain** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Lingaraj Swain**, owner of vehicle No.**OD02BH-5267** was present. 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 Lingaraj Swain**, owner of vehicle No.**OD02BH-5267** in the Interstate route **Bhubaneswar to Rasalpur via. Laxmannath & back** as express service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, West Bengal. The permit holder will get the permit countersigned within 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.04:- AMBIKI TO KHEJURI VIA.CUTTACK, CHANDIKHOLE, BALASORE, SOLEPETA, EGRA, 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 **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Ambiki to Khejuri via. Cuttack, Chandikhole, Balasore, Solepetta, Egra, Contai& back** which is notified vide Sl. No.26 of the Interstate vacant routes between Odisha and West Bengal as notified in website wherein the STA, Odisha has to grant two permits with two trips daily covering a distance of 266 kms in Odisha and 105 kms in West Bengal portion as express nature of service, Sri Bijaya Kumar Sahoo has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Bijaya Kumar Sahoo**, owner of vehicle No.**OD02CX-5739** was represented by advocate Sri H.P. Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

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.OR02BP-3640, OR02BS-0372, OR02BS-0267, OR22C-5637, OR02BF-7640, OR05AS-3663, OD02R-7297, OD02AX-1737, OD02S-8337, OR02AZ-5637, OD02CX-5739 suppressing the fact that he owns two more vehicles i.e. OD02AW-5637 & OD02CQ-2781.

The STA after due deliberation decided to reject the application filed by Sri **Bijaya Kumar Sahoo**, owner of vehicle No.**OD02CX-5739** 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.05:- AMBIKI TO KHEJURI VIA.CUTTACK, CHANDIKHOLE, BALASORE, SOLEPETA, EGRA, 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 **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Ambiki to Khejuri via. Cuttack, Chandikhole, Balasore, Solepeta, Egra, Contai& back** which is notified vide Sl. No.26 of the Interstate vacant routes between Odisha and West Bengal as notified in website wherein the STA, Odisha has to grant two permits with two trips daily covering a distance of 266 Kms in Odisha and 105 kms in West Bengal portion as express nature of service, **Sri Mitu Pradhan** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Mitu Pradhan**, owner of vehicle No.**OD02CD-6871** was represented by advocate Sri H.P. Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

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

ITEM NO.06:- PURI TO DIGHA VIA.BALASORE, CHANDANESWAR & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Puri to Digha via.Balasore, Chandaneswar & back** which is notified vide Sl No.13 of the notification regarding surrender of permit vide No.11-G/2018 issued to vehicle No.OD05Z-1551, **Sri Mitu Pradhan** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Mitu Pradhan**, owner of vehicle No.**OD02CD-6871** was represent by advocate Sri H.P. Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

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



After due deliberation, it is decided to grant permanent stage carriage permit to **Sri Mitu Pradhan**, owner of vehicle No.**OD02CD-6871** in the Interstate route **Puri to Digha via.Balasore, Chandaneswar & back** as express service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, West Bengal. The permit holder will get the permit countersigned within 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.07:- JODA TO GUMLA VIA. LATHIKATA, ROURKELA, BIRAMITRAPUR & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Joda to Gumla via.Lathikata, Rourkela, Biramitrapur& back** which is notified vide Sl. No.29 of the notification regarding surrender of permit vide No.11-G/2023 issued to vehicle OD14AB-5074, **Sri Suresh Prasad** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Suresh Prasad**, owner of vehicle No.**OD14AE-4465** was represent by advocate Sri S.S. Mishra. 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 Suresh Prasad**, owner of vehicle No.**OD14AE-4465** in the Interstate route **Joda to Gumlavia, Lathikata, Rourkela, Biramitrapur & back** as express service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Jharkhand, Ranchi. 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.08:-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 **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Patnagarh to Raipur via.Padampur, Khariar & back** which is notified vide SI. No.79 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant one permit with one trip covering a distance of 248 kms in Odisha and 200 kms in Chhatisgarh as express nature of service, **Sri Satyabadi Tandi** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Satyabadi Tandi**, owner of vehicle No.**OD26G-8977** was represent by advocate Sri J.N. Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

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

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.**OD26D-8977**, **OD26B-0377**, **OD26C-9877**, **OD08A-0377**, **OD08C-6139**, **OD26G-8977** suppressing the fact that he owns two more vehicles i.e. **OR26A-0773 & OR08A-5040**.

The STA after due deliberation decided to reject the application filed by **Sri Satyabadi Tandi**, owner of vehicle No.**OD26G-8977** 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.09:- JHARSUGUDA TO JASHPURNAGAR VIA. SUNDERGARH, TELIJORE, TAPARIA, KUNKURI AND BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Jharsuguda to Jashpurnagar via. Sundergarh, Telijore, Taparia, Kunkuri and back** which is notified vide Sl. No.19 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant one permit with two trips daily covering a distance of 88 kms in Odisha and 86 kms in Chhatisgarh as ordinary service, **Sri Labanidhar Patel** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Labanidhar Patel**, owner of vehicle No.**OD16N-0110** was absent. 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 **Sri Labanidhar Patel**, owner of vehicle No.**OD16N-0110** in the Interstate route **Jharsuguda to Jashpurnagar via. Sundergarh, Telijore, Taparia, Kunkuri and back** 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, Raipur. 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.10:- BHUBANESWAR TO BAJKUL VIA. JALESWAR, SOLEPETA, EGRA, BHAGABANPUR & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage



carriage permit in the interstate route **Bhubaneswar to Bajkul via. Jaleswar, Solepeta, Egra, Bhagabanpur & back** which is notified vide SI No.10 of the Interstate vacant routes between Odisha and West Bengal as notified in website wherein the STA, Odisha has to grant two permits with two trips daily covering a distance of 260 kms in Odisha and 105 kms in West Bengal as express nature of service, **Smt. Reena Choudhury** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Smt. Reena Choudhury**, owner of vehicle No.**OD05AU-0882** was present. 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. Reena Choudhury**, owner of vehicle No.**OD05AU-0882** in the Interstate route **Bhubaneswar to Bajkul via. Jaleswar, Solepeta, Egra, Bhagabanpur & 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-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.11:- BONAIGARH TO RANCHI VIA.ROURKELA, BIRAMITRAPUR & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Bonaigarh to Ranchi via. Rourkela, Biramitrapur & back** which is notified vide SI. No.12 of the notification regarding surrender of permit vide No.14-R/2020 issued to vehicle OD14D-4092, **Mohammad**



Tarique has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Mohammad Tarique**, owner of vehicle No.**OD14AG-4079** was absent. He has submitted the self-declaration in Annexure-A and B but 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.

Sri H.P. Mohanty, Advocate of behalf of Sri Rakesh Kumar Pradhan, owner of vehicle No.OD14N-5179 has filed an objection regarding clash of timings at Rourkela.

The STA after due deliberation decided to reject the application filed by Mohammad Tarique 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.12:- SUNDERGARH TO GAYA VIA. SIMDEGA, RANCHI & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Sundergarh to Gaya via.Simdega, Ranchi & back** which is notified vide Sl. No.26 of the notification regarding surrender of permit vide No.05-G/2021 issued to vehicle OD16J-0525, **Labanidhar Patel** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Labanidhar Patel**, owner of vehicle No.**OD16N-0110** was absent. 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 **Labanidhar Patel**, owner of vehicle No.**OD16N-0110** in the Interstate route Sundergarh to Gaya via.Simdega, Ranchi & back as AC Deluxe service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Jharkhand, Ranchi. 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.13:- JHARSUGUDA TO PATHALGAON VIA. SUNDERGARH, TELIJORE, TAPKERA, KUNKURI AND BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Jharsuguda to Pathalgaon via. Sundergarh, Telijore, Tapkera, Kunkuri and back** which is notified vide Sl. No.78 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant one permit with two trips daily covering a distance of 88 kms in Odisha and 86 kms in Chhatisgarh as ordinary service, **Labanidhar Patel** has filed application for grant of permanent permit in the aforesaid vacant route

Applicant, **Labanidhar Patel**, owner of vehicle No.**OD16N-0110** was absent. 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 Sri Prabhat Kishore Swain, owner of vehicle No.OD14D-3374 has filed an objection regarding clash of timings at Sundergarh.

After due deliberation, it is decided to grant permanent stage carriage permit to **Labanidhar Patel**, owner of vehicle No.**OD16N-0110** in the Interstate route **Jharsuguda to Pathalgaon via. Sundergarh, Telijore, Tapkera, Kunkuri and back** 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, Raipur. 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.14:- 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 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Sundergarh to Dandapani & Sundergarh to Jharsuguda & back** which is notified vide Sl. No.09 of the notification regarding surrender of permit vide No.22-G/2021 issued to vehicle OR16D-7545, **Sitaram Jaiswal** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sitaram Jaiswal**, owner of vehicle No.OD16B-4655 was represented by advocate Sri Amit Kumar Das. He has submitted the self-declaration in Annexure-A and B but 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 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.15:- BALASORE TO JHARGRAM VIA.RASGOVINDAPUR & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Balasore to Jhargram via.Rasgovindapur & back** which is notified vide Sl. No.05 of the notification regarding surrender of permit vide No.02-R/2018 issued to vehicle OR01P-0639, **Smt. Puspanjali Gaana** has filed application for grant of permanent permit in the aforesaid vacant route.



Applicant, **Smt. Puspanjali Gaana**, owner of vehicle No.**OD05Z-1551** was represented by advocate Sri Ramasish Acharya. He has not submitted the self-declaration in Annexure-A and B along with 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 Smt. Puspanjali Gaana 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.16:- BARIPADA TO CONTAI VIA.SIRSAPAL, AMARDA ROAD, JALESWAR, 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 **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Baripada to Contai via. Sirsapal, Amarda Road, Jaleswar, Laxmannath & back** which is notified vide Sl. No.04 of the Interstate vacant routes between Odisha and West Bengal as notified in website wherein the STA, Odisha has to grant four permits with eight trips covering a distance of 70 kms in Odisha and 70 kms in West Bengal as ordinary service, **Shaik Samiruddin** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Shaik Samiruddin**, owner of vehicle No.**OD11AC-0862** was absent. 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 **Shaik Samiruddin**, owner of vehicle No.**OD11AC-0862** in the Interstate route Baripada to Contai via. Sirsapal, Amarda Road, Jaleswar, Laxmannath& back as deluxe 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-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.17:- ROURKELA TO BHILAI VIA. SAMBALPUR, LUHARCHATI & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Rourkela to Bhilai via. Sambalpur, Luharchati & back** which is notified vide Sl. No.34 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant one permit with one trip covering a distance of 293 kms in Odisha and 213 kms in Chhatisgarhas express service, **Sri Ashok Kumar Gupta** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Ashok Kumar Gupta**, owner of vehicle No.OD16L-4455 was represented by advocate Sri H.P. Mohanty. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

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

After due deliberation, it is decided to grant permanent stage carriage permit to **Sri Ashok Kumar Gupta**, owner of vehicle No.OD16L-4455 in the Interstate route **Rourkela to Bhilai via. Sambalpur, Luharchati & back** as express service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Chhatisgarh, Raipur. 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.18:-DAMANJODI TO RAJNANDGAON VIA. SUNABEDA, KORAPUT, JEYPORE, BORIGUMMA, CHANDIL & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Damanjodi to Rajnandgaon via. Sunabeda, Koraput, Jeypore, Borigumma, Chandil & back** which is notified vide SI. No.62 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant two permits with two trips covering a distance of 130 kms in Odisha and 299 kms in Chhatisgarhas express service, **Sri Ganesh Prasad Gupta** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Ganesh Prasad Gupta**, owner of vehicle No.**OD10Y-8119** was represented by advocate Sri D.B. Das. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

Sri S.S. Mishra, advocate of behalf of Sri Firoj Kumar Turuk, owner of vehicle No.OD10C-6757 has filed an objection regarding clash of timings at Koraput.

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.OD10P-4519, OR24A-6119, OD10U-7119, OD10P-2319, OD10V-2119, OD10V-0340, CG17KR-1814, OD10W-7119, OD10Y-8119, OD10Z-5119, CG17KY-2119, CG17KY-3119, OD10X-5119, OD10X-4519, CG17KX-8219, OD10Z-6219, OD10Z-6119, CG17KZ-5119, OD24H-6019, CG27F-0319, OD24H-5119, OD24L-5119, OD18K-5119 & OD18K-6119 suppressing the fact that he owns nine more vehicles i.e.OD24K-1585, CG18F-5119, CG17KY-5119, OR10C-0519, CG27F-0158, CG17LA-7119, OR24-0819, OR24B-5119 & OD24-6719.

The STA after due deliberation decided to reject the application filed by **Sri Ganesh Prasad Gupta**, owner of vehicle No.**OD10Y-8119** 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.19:- DAMANJODI TO RAJNANDGAON VIA. SUNABEDA, KORAPUT, JEYPORE, BORIGUMMA, CHANDIL & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Damanjodi to Rajnandgaon via. Sunabeda, Koraput, Jeypore, Borigumma, Chandil& back** which is notified vide SI. No.62 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant two permits with two trips covering a distance of 130 kms in Odisha and 299 kms in Chhatisgarhas express service, **Sri Ganesh Prasad Gupta** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Ganesh Prasad Gupta**, owner of vehicle No.**OD10Z-5119** was represented by advocate Sri D.B. Das. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

Sri S.S. Mishra, advocate of behalf of Sri Firoj Kumar Turuk, owner of vehicle No.OD10C-6757 has filed an objection regarding clash of timings at Koraput.

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.OD10P-4519, OR24A-6119, OD10U-7119, OD10P-2319, OD10V-2119, OD10V-0340, CG17KR-1814, OD10W-7119, OD10Y-8119, OD10Z-5119, CG17KY-2119, CG17KY-3119, OD10X-5119, OD10X-4519, CG17KX-8219, OD10Z-6219, OD10Z-6119, CG17KZ-5119, OD24H-6019, CG27F-0319, OD24H-5119, OD24L-5119, OD18K-5119 & OD18K-6119 suppressing the fact that he owns nine more vehicles i.e.OD24K-1585, CG18F-5119, CG17KY-5119, OR10C-0519, CG27F-0158, CG17LA-7119, OR24-0819, OR24B-5119 & OD24-6719.

The STA after due deliberation decided to reject the application filed by **Sri Ganesh Prasad Gupta**, owner of vehicle No.**OD10Z-5119** 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.20:- 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 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Erlagaon to Raipur via. Umerkote, Raighar & back** which is notified vide Sl. No.35 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant two permits with two trips covering a distance of 73 kms in Odisha and 186 kms in Chhatisgarhas express service, **Sri Ganesh Prasad Gupta** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Ganesh Prasad Gupta**, owner of vehicle No.OD10P-4519 was represented by advocate Sri D.B. Das. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

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.OD10P-4519, OR24A-6119, OD10U-7119, OD10P-2319, OD10V-2119, OD10V-0340, CG17KR-1814, OD10W-7119, OD10Y-8119, OD10Z-5119, CG17KY-2119, CG17KY-3119, OD10X-5119, OD10X-4519, CG17KX-8219, OD10Z-6219, OD10Z-6119, CG17KZ-5119, OD24H-6019, CG27F-0319, OD24H-5119, OD24L-5119, OD18K-5119 & OD18K-6119 suppressing the fact that he owns nine more vehicles i.e.OD24K-1585, CG18F-5119, CG17KY-5119, OR10C-0519, CG27F-0158, CG17LA-7119, OR24-0819, OR24B-5119 & OD24-6719.

The STA after due deliberation decided to reject the application filed by **Sri Ganesh Prasad Gupta**, owner of vehicle No.OD10P-4519 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.21:- 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 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Erlagaon to Raipur via. Umerkote, Raighar & back** which is notified vide Sl. No.35 of the Interstate vacant routes between



Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant two permits with two trips covering a distance of 73 kms in Odisha and 186 kms in Chhatisgarhas express service, **Sri Ganesh Prasad Gupta** has filed application for grant of permanent permit in the aforesaid vacant route.

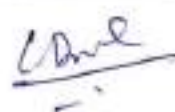
Applicant, **Sri Ganesh Prasad Gupta**, owner of vehicle No.OD24L-5119 was represented by advocate Sri D.B. Das. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

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.OD10P-4519, OR24A-6119, OD10U-7119, OD10P-2319, OD10V-2119, OD10V-0340, CG17KR-1814, OD10W-7119, OD10Y-8119, OD10Z-5119, CG17KY-2119, CG17KY-3119, OD10X-5119, OD10X-4519, CG17KX-8219, OD10Z-6219, OD10Z-6119, CG17KZ-5119, OD24H-6019, CG27F-0319, OD24H-5119, OD24L-5119, OD18K-5119 & OD18K-6119 suppressing the fact that he owns nine more vehicles i.e.OD24K-1585, CG18F-5119, CG17KY-5119, OR10C-0519, CG27F-0158, CG17LA-7119, OR24-0819, OR24B-5119 & OD24-6719.

The STA after due deliberation decided to reject the application filed by **Sri Ganesh Prasad Gupta**, owner of vehicle No.OD24L-5119 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.22:-DAMANJODI TO RAIPUR VIA. SUNABEDA, KORAPUT, JEYPORE, UMERKOTE & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Damanjodi to Raipur via. Sunabeda, Koraput, Jeypore, Umerkote & back** which is notified vide Sl. No.14 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant four permits with four trips covering a distance of 193 kms in Odisha and 270 kms in Chhatisgarhas express service, **Sri Ganesh Prasad Gupta** has filed application for grant of permanent permit in the aforesaid vacant route.



Applicant, **Sri Ganesh Prasad Gupta**, owner of vehicle No.**OD10Z-6119** was represented by advocate Sri D.B. Das. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

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.OD10P-4519, OR24A-6119, OD10U-7119, OD10P-2319, OD10V-2119, OD10V-0340, CG17KR-1814, OD10W-7119, OD10Y-8119, OD10Z-5119, CG17KY-2119, CG17KY-3119, OD10X-5119, OD10X-4519, CG17KX-8219, OD10Z-6219, OD10Z-6119, CG17KZ-5119, OD24H-6019, CG27F-0319, OD24H-5119, OD24L-5119, OD18K-5119 & OD18K-6119 suppressing the fact that he owns nine more vehicles i.e.OD24K-1585, CG18F-5119, CG17KY-5119, OR10C-0519, CG27F-0158, CG17LA-7119, OR24-0819, OR24B-5119 & OD24-6719.

The STA after due deliberation decided to reject the application filed by **Sri Ganesh Prasad Gupta**, owner of vehicle No.**OD10Z-6119** 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.23:- DAMANJODI TO RAIPUR VIA. SUNABEDA, KORAPUT, JEYPORE, UMERKOTE & BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Damanjodi to Raipur via. Sunabeda, Koraput, Jeypore, Umerkote & back** which is notified vide SI. No.14 of the Interstate vacant routes between Odisha and Chhatisgarh as notified in website wherein the STA, Odisha has to grant four permits with four trips covering a distance of 193 kms in Odisha and 270 kms in Chhatisgarhas express service, **Sri Ganesh Prasad Gupta** has filed application for grant of permanent permit in the aforesaid vacant route.

Applicant, **Sri Ganesh Prasad Gupta**, owner of vehicle No.**OD10Z-6219** was represented by advocate Sri D.B. Das. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.



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.OD10P-4519, OR24A-6119, OD10U-7119, OD10P-2319, OD10V-2119, OD10V-0340, CG17KR-1814, OD10W-7119, OD10Y-8119, OD10Z-5119, CG17KY-2119, CG17KY-3119, OD10X-5119, OD10X-4519, CG17KX-8219, OD10Z-6219, OD10Z-6119, CG17KZ-5119, OD24H-6019, CG27F-0319, OD24H-5119, OD24L-5119, OD18K-5119 & OD18K-6119 suppressing the fact that he owns nine more vehicles i.e.OD24K-1585, CG18F-5119, CG17KY-5119, OR10C-0519, CG27F-0158, CG17LA-7119, OR24-0819, OR24B-5119 & OD24-6719.

The STA after due deliberation decided to reject the application filed by Sri **Ganesh Prasad Gupta**, owner of vehicle No.OD10Z-6219 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.24:- DUBURI TO KOLKATA VIA.JAMSOLA AND BACK

Sri Jogeswar Mishra, owner of vehicle No.OD11AE-7561 has applied on dated 24.10.2024 for grant of permanent permit on the Interstate route Duburi to Kolkata via.Jamsola& back by depositing requisite fees along with xerox copy of Bank Guarantee and self-declaration in Annexure-A and B.

On verification from five years register it is seen that, the quota on the said route has already been exhausted as two permits have already been granted in respect of vehicle No.OD05E-4567 & OD11L-1915.

The STA after due deliberation decided to reject the application filed by Sri Jogeswar Mishra, owner of vehicle No.OD11AE-7561 as the quota of said route has already been exhausted.

ITEM NO.25:- BHAWANIPATNA TO DURG VIA. RAIPUR AND BACK

Pursuant to the advertisement published in the official website and daily Odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Bhawanipatna to Durg via. Raipur and back** which is notified vide Sl. No.19 of the notification regarding surrender of permit vide No.06-G/2019 issued to vehicle No.OD15H-4155, **Smt. Puspanjali Nanda** has filed application for grant of permanent permit in the aforesaid vacant route.



Applicant, **Smt. Puspanjali Nanda**, owner of vehicle No.**OD15H-4155** 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.

After due deliberation, it is decided to grant permanent stage carriage permit to **Smt. Puspanjali Nanda**, owner of vehicle No.**OD15H-4155** in the Interstate route **Bhawanipatna to Durg via. Raipur and back** as express service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Chhatisgarh, Raipur. 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.

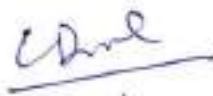
ITEM NO.26:- ROURKELA TO TATA VIA.NALDA & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Rourkela to Tata via. Nalda & back** which is notified vide SI. No.24 of the notification regarding surrender of permit vide No.28-R/2021 issued to vehicle OD14L-5774, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. **Sahin Iqbal**, owner of vehicle No. **OD09Z-6777**
2. **Khizir Hayat**, owner of vehicle No. **OD09A-9677**

Applicant, **Sahin Iqbal**, owner of vehicle No.**OD09Z-6777** was absent. 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.



Applicant, **Khizir Hayat**, owner of vehicle No.**OD09A-9677** was absent. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

On verification of VAHAN database it is seen that the ownership of the vehicle OD09A-9677 has transferred from the name of Khizir Hayat to the name of Sri Goura Chandra Das w.e.f.29.11.2024 before ARTO, Barbil. Hence the application of Khizir Hayat is rejected as the ownership has already been transferred.

In the meantime three objections have been received from advocate Sri H.P. Mohanty on behalf of Sri Rajesh Kumar Pradhan, owner of vehicle No.OD14M-6179, advocate Sri S.S. Mishra on behalf of Sobharani Jaiswal, owner of vehicle No.OD14E-7457 and advocate K. Mohammad on behalf of Iqbal Ahmad, owner of vehicle No.OD14T-0492 regarding clash of timing at Lahunipada, Barbil & Rourkela respectively.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sahin Iqbal**, owner of vehicle No.**OD09Z-6777** in the Interstate route **Rourkela to Tata via. Nalda & back** as express service, subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Jharkhand, Ranchi. 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.27:- BHUBANESWAR TO NANDAKUMAR VIA.BALASORE, LAXMANNATH, EGRA, 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 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Bhubaneswar to Nandakumar via.Balasore, Laxmannath, Egra, Bajkul & back** which is notified vide Sl. No.22 of the notification regarding surrender of permit vide permit No.04-G-/2022 issued to vehicle **OD22-5637**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.



1. Sarbeswar Mishra, owner of vehicle No.OD11AE-2261
2. Sri Jayanta Kumar Behera, owner of vehicle No.OD01AY-8815
3. Sri Debal Kumar Mishra, owner of vehicle No.OD01AY-0043
4. Smt. Puspanjali Gaana, owner of vehicle No.OD05Z-1551
5. Smt. Sarojini Swain, owner of vehicle No.OD02AR-1967
6. Sri Lingaraj Swain, owner of vehicle No. OD02BH-5267

Applicant, Sarbeswar Mishra, owner of vehicle No.OD11AE-2261 was absent. 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.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sarbeswar Mishra, owner of vehicle No.OD11AE-2261 secured **65 marks**.

Applicant, Sri Jayanta Kumar Behera, owner of vehicle No.OD01AY-8815 was represented by advocate Sri S.S. Mishra. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

Applicant, Sri Debal Kumar Mishra, owner of vehicle No.OD01AY-0043 was absent. 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.

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.OD01AY-0043, OD01AW-7143, OD01AJ-2334 & OR01Q-2043 suppressing the fact that he owns one more vehicle i.e. OD01W-7143.

The STA after due deliberation decided to reject the application filed by Sri Debal Kumar Mishra, owner of vehicle No.OD01AY-0043for suppression of fact and submitting wrong information in Annexure A & B.



Applicant, Smt. Puspanjali Gaana, owner of vehicle No.OD05Z-1551 was represented by advocate Sri Ramasish Acharya. She has not submitted the Solvency Certificate/Bank Guarantee along with self-declaration in Annexure-A and B.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

Applicant, Smt. Sarojini Swain, owner of vehicle No.OD02AR-1967 was present. 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.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Smt. Sarojini Swain, owner of vehicle No.OD02AR-1967 secured **30 marks**.

Applicant, Sri Lingaraj Swain, owner of vehicle No.OD02BH-5267 was present. 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.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Lingaraj Swain, owner of vehicle No.OD02BH-5267 secured **30 marks**.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sarbeswar Mishra**, owner of vehicle No.OD11AE-2261 in the Interstate route **Bhubaneswar to Nandakumar via. Balasore, Laxmannath, Egra, Bajkul & 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-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.28:- BERHAMPUR TO RANCHI VIA.JAMSOLA, TATA & BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024, applications were invited for grant of permanent stage carriage permit in the interstate route **Berhampur to Ranchi via. Jamsola, Tata & back** which is notified vide Sl. No.20 of the notification regarding surrender of permit vide permit No.29-G/2021 issued to vehicle **OD05G-0015**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. Sri Surendra Mohanty, owner of vehicle No.OD02CY-7857
2. Sri Sandeep Anand Choudhury, owner of vehicle No.OD04W-1125
3. Sarojini Swain, owner of vehicle No.OD02AR-1967
4. Sri Lingaraj Swain, owner of vehicle No.OD02BH-5267

Applicant, Sri Surendra Mohanty, owner of vehicle No.OD02CY-7857 was represented by advocate Sri D.B. Das. He has submitted the Bank Guarantee and self-declaration in Annexure-A and B.

As per VAHAN data one e-challan has been drawn under section 192 (A) of M.V Act 1988 against three vehicle Nos.OD02AL-9457, OD02CQ-0057 & OD02C-7857 owned by the applicant within one year prior to date of consideration of present application.

STA in its 291st meeting resolved that "In cases where any of the vehicle owned by the applicant (except the vehicle covered under clause (a) above), plying (1) without permit, (2) making unauthorized trips, (3) as stage carriage under special permit / contract carriage permit, five marks for each VCR / e-challan drawn within one year from the date of consideration of application will be deducted for every VCR / e-challan whether pending or closed in respect of stage carriage for which grant of permit is under consideration. Commission of above offences will be considered as past performance of a stage carriage operator".

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Surendra Mohanty, owner of vehicle No.OD02CY-7857 secured **70 marks**.



Applicant, Sri Sandeep Anand Choudhury, owner of vehicle No.OD04W-1125 was represented by advocate Sri S.S. Mishra. 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.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Sandeep Anand Choudhury, owner of vehicle No.OD04W-1125 secured **85 marks**.

Applicant, Sarojini Swain, owner of vehicle No.OD02AR-1967 was absent. 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.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sarojini Swain, owner of vehicle No.OD02AR-1967 secured **30 marks**.

Applicant, Sri Lingaraj Swain, owner of vehicle No.OD02BH-5267 was absent. 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.

Based on the evaluation criteria, in terms of model of vehicle, type of facilities in bus, Sri Lingaraj Swain, owner of vehicle No.OD02BH-5267 secured **30 marks**.

After due deliberation, it is decided to grant permanent stage carriage permit to **Sri Sandeep Anand Choudhury**, owner of vehicle No.OD04W-1125 in the Interstate route **Berhampur to Ranchi via. Jamsola, Tata & 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, Jharkhand, Ranchi. 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.29:- BHUBANESWAR TO BAJKUL VIA. JALESWAR, SOLEPETA, EGRA, BHAGABANPUR AND BACK.

Pursuant to the advertisement published in the official website and daily Odia newspaper "The Samaj" and English Newspaper "The Times of India" on **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Bhubaneswar to Bajkulvia.Jaleswar, Solepeta, Egra, Bhagabanpur & back** which is notified vide Sl. No.10 of the Interstate vacant routes between Odisha and West Bengal as notified in website wherein the STA, Odisha has to grant one permit with one trip covering a distance of 260 kms in Odisha and 105 kms in West Bengal as express service, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. Smt. Sujata Parija, owner of vehicle No.OD05AU-0881
2. Sri Jayanta Kumar Behera, owner of vehicle No.OD01AY-8815

Applicant, Smt. Sujata Parija, owner of vehicle No.OD05AU-0881 was represented by her son Sri Amit Kumar Bhuyan. 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.

Applicant, Sri Jayanta Kumar Behera, owner of vehicle No.OD01AY-8815 was represented by advocate Sri S.S. Mishra. 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.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

After due deliberation, it is decided to grant permanent stage carriage permit to **Smt. Sujata Parija**, owner of vehicle No.OD05AU-0881 in the Interstate route **Bhubaneswar to Bajkulvia.Jaleswar, Solepeta, Egra, Bhagabanpur & 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-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.30:- BHUBANESWAR TO RASALPUR 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 **09.10.2024 & 22.10.2024**, applications were invited for grant of permanent stage carriage permit in the interstate route **Bhubaneswar to Rasalpur via. Laxmannath and back** which is notified vide Sl. No.27 of the notification regarding surrender of permit vide permit No.06-R/2023 issued to vehicle **OD11L-1398**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. Sri Saroj Kumar Bhuyan, owner of vehicle No.OD05AH-8188
2. Sarojini Swain, owner of vehicle No.OD02AR-1967

Applicant, Sri Saroj Kumar Bhuyan, owner of vehicle No.OD05AH-8188 was absent. 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.

The applicant has filed a petition stated that, he wants to withdraw his application. The application is rejected as withdrawn.

Applicant, Sarojini Swain, owner of vehicle No.OD02AR-1967 was absent. 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 **Sarojini Swain**, owner of vehicle **No.OD02AR-1967** in the Interstate route **Bhubaneswar to Rasalpur via. Laxmannath and back** as AC Deluxe 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-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

INTERSTATE CASE MATTER

ITEM NO.01:- CANCELLATION OF PERMANENT PERMIT BEARING NO.57-R-2017 ISSUED TO VEHICLE NO.OR02AS-8229 OPERATING ON 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 on 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.

The permit holder did not operate his vehicle from 01.04.2018 to 30.06.2018 and 01.11.2018 to 31.10.2019 i.e. one year and three months without intimating the fact of non operation of his vehicle to STA violating permit conditions. 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 one year and three months 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 fact and circumstances of the case, provisions of law and decision taken by STA in 291st meeting, it was resolved to reject application for renewal of permanent permit No.57-R-2017 and replacement of vehicle OR02AS-8229 by OD02BD-2199 issued to Sri Rabindra Kumar Das on the route Chandbali to Kolkata for violating permit conditions. Consequent upon rejection of application for renewal of permanent permit, application for replacement of vehicle is rejected. It was resolved that the route will be notified in the website of STA inviting applications for grant of permanent permit from deserving stage carriage operators.



Being aggrieved to the above decision the learned advocate on behalf of the permit holder had filed a memo in M.V appeal No.12 of 2023 wherein it was ordered by the Hon'ble STAT **"to stay operation of the notification dated 25.08.2023 and 20.10.2023 inviting fresh applications in the Interstate vacant route from Chandbali to Kolkata via. Laxmannath & back till 16.12.2023"**.

The matter is subjudice in M.V. Appeal No.12/2023 before Hon'ble STAT. Hence it is deferred to next STA meeting for decision.

ITEM NO.02:- CANCELLATION OF PERMANENT PERMIT BEARING NO.10-R-2024 ISSUED TO VEHICLE NO.OD01AC-7171 OPERATING ON THE INTERSTATE ROUTE PURI TO TAMLUK VIA.BALASORE, SOLEPETA, EGRA, BHAGABANPUR, BAJKUL AND BACK.

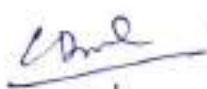
Permanent permit No.10-R-2024 has been issued in favour of Smt. Puspanjali Gaana in respect of vehicle No.OD01AC-7171 to operate on the Interstate route **Puri to Tamluk via. Balasore, Haladipada, Solepeta, Egra, Bhagabanpur, Bajkul & back** w.e.f.09.07.2024 to 08.07.2029 subject to outcome of W.P (C) No.15559 of 2023. Accordingly Secretary, STA, West Bengal was requested to countersign the permit for smooth operation of the vehicle.

Adv. Ramasish Acharya appeared for the applicant.

In the meantime an objection has been filed by the learned advocate on behalf of Smt. Shampa Shee, owner of vehicle No.WB76A-5337 regarding illegal operation of vehicle OD01AC-7171 by not countersigning the said permit from STA, West Bengal and not plying to its destination Puri thereby terminating at Bhubaneswar.

As per the objection filed by the learned advocate on behalf of Smt. Shampa Shee, owner of vehicle No.WB76A-5337, the Secretary, STA, West Bengal vide this office It. no.11516/TC, dt.03.08.2024 was requested to furnish the details of countersignature in respect of vehicle no.OD01AC-7171. Accordingly, the ACT (Enf.) & RTO, Bhubaneswar were requested vide this office It. no. 11517/TC, dt.03.08.2024 to conduct an enquiry on the allegation petition so filed by Smt. Shee.

In response to this office letter, the RTO & Ex-Officio, Asst. Director, STA, West Bengal had furnished that the Permanent Permit no.10-R-2024 has been countersigned vide C.S No.19/OD-2024, dt.28.08.2024. The Addl. Commissioner Transport (Enf.) enclosing the copy of T.I (Puri) has replied to the letter wherein it



has been mentioned that the vehicle OD01AC-7171 is not plying to its destination i.e. Puri thereby violating permit conditions.

Sri Ramasis Acharya, Advocate for the applicant submitted that the matter is subjudice before Hon'ble High Court vide WP(C) no.15559/2023 and stay order is continuing.

The matter is deferred to next STA meeting for decision.

ITEM NO.03:- CANCELLATION OF PERMANENT PERMIT BEARING NO.28-R-2023 ISSUED TO VEHICLE NO.OD01B-5151 OPERATING ON THE INTERSTATE ROUTE PURI TO HALADIA VIA.JALESWAR AND BACK.

Permanent permit No.28-R-2023 has been issued in favour of Sri Brundaban Gaana in respect of vehicle No.OD01B-5151 to operate on the Interstate route **Puri to Haladia via. Jaleswar & back** w.e.f.16.01.2024 to 15.01.2029 subject to replace the vehicle with a higher model vehicle or else the permit shall not be valid after 12/2027. Accordingly Secretary, STA, West Bengal was requested to countersign the permit for smooth operation of the vehicle.

Adv. M.B.K Rao appeared for the applicant.

In the meantime an objection has been filed by the learned advocate on behalf of Smt. Labanya Shee, owner of vehicle No.WB33B-7029 regarding illegal operation of vehicle OD01B-5151 by not countersigning the said permit from STA, West Bengal and not plying to its destination Puri thereby terminating at Bhubaneswar.

Advocate Sri S. Mishra appeared for the objector.

Sri M.B.K. Rao, Advocate submitted that show cause has not been served upon the permit holder.

It was decided to serve copy of the objection petition and show cause notice upon the Advocate for the permit holder. The matter is deferred to next STA meeting for decision.

ITEM NO.04:- CANCELLATION OF PERMANENT PERMIT BEARING NO.PP99/170265/G ISSUED TO VEHICLE NO.OD11D-0161 OPERATING ON THE INTERSTATE ROUTE JASHIPUR TO KOLKATA VIA. BARIPADA, JAMSOLA AND BACK.

Permanent permit No.PP99/170265/G has been issued in favour of Sri Swarup Kumar Mishra in respect of vehicle No.OD11D-0161 to operate on the



Interstate route **Jashipur to Kolkata via. Baripada, Jamsola and back** w.e.f.04.04.2022 to 03.04.2027.

Adv. Sri Prasant Mishra appeared for the applicant.

Sri Akash Sharma, Advocate, Kolkata filed complaint against the permit holder alleging that the staff of the said bus collected fare of Rs.900/- from him instead of notified fare of Rs.846/-. The Conductor of the permit holder also threatened the complainant for charging excess fare and misbehaved him. The complainant also filed copy of Ticket issued by the conductor of the permit holder for Rs.900/-. He also alleged that the air conditioner of the bus OD11D-0161 was not functioning in course of journey.

In his show cause reply dated 01.08.2024 the permit holder Swarup Kumar Mishra stated that he had adjusted fare structure of his bus as per fare notification of STA dated 26.05.2022. He has not denied the fact that he has collected excess fare from the passenger travelling in his bus on 24.01.2023 and 06.06.2023. It is thus, established that the permit holder intentionally collected excess fare from the travelling passengers repeatedly in excess of fare fixed by the Transport Commissioner, Odisha vide Notification dated 26.05.2022 and thus violated permit conditions punishable under Section 86 (1) of M.V. Act, 1988. This is a fit case for suspension of permit.

The STA after due deliberation decided to suspend the Permanent permit No.PP99/170265/G issued in favour of Sri Swarup Kumar Mishra in respect of vehicle No.OD11D-0161 for a period of three months under Section 86 (1) (a) of M.V. Act, 1988. It was further decided that in lieu of suspension of permit, the permit holder shall pay fine of Rs.50,000/- within a period of 15 days failing which the order of suspension of permit shall operate.

ITEM NO.05:-CANCELLATION OF PERMANENT PERMIT BEARING NO.PP99/180036/G ISSUED TO VEHICLE NO.OR22F-1197 OPERATING ON THE INTERSTATE ROUTE PURI TO HALADIA VIA. JALESWAR AND BACK.

Permanent permit No.PP99/180036/G has been issued in favour of Sri Goutam Kumar Sarangi in respect of vehicle No.OR22F-1197 to operate on the Interstate route **Puri to Haladia via. Jaleswar and back** w.e.f.03.02.2023 to 02.02.2028.

STA in its 291st meeting held on date 19.02.2020 has decided that, "**where permanent stage carriage permit was issued on any interstate route and not**



countersigned by the reciprocating State within three months from the date of issue or within such further time as may be granted by STA, 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."

The permit holder was requested vide this office letter No.18684 dated 11.12.2023 to furnish copy of countersignature granted by STA, West Bengal.

Heard the permit holder in person.

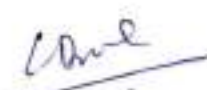
In view of decision taken by STA in its 291st meeting held on 19.02.2020 and the fact that the Permanent permit No.PP99/180036/G has been issued in favour of Sri Goutam Kumar Sarangi in respect of vehicle No.OR22F-1197 to operate on the Interstate route **Puri to Haladia via. Jaleswar and back** w.e.f.03.02.2023 to 02.02.2028 has not been countersigned till date. Thus, it is established that the permit holder is not operating his bus in the given route without getting the permit countersigned as required under Section 88 (1) of M.V. Act, 1988 causing inconvenience to the travelling public. The STA after due deliberation decided to cancel the Permanent permit No.PP99/180036/G and to notify the route inviting applications for grant of permanent permit to the deserving bus operators in the interest of travelling public.

All the RTOs under whose jurisdiction the route surpasses are instructed to keep close watch over operation of vehicle OR22F-1197 to prevent clandestine operation of said vehicle and seize the same forthwith.

ITEM NO.06:- CANCELLATION OF PERMANENT PERMIT BEARING NO.08-R-2022 ISSUED TO VEHICLE NO.OD01A-0297 OPERATING ON THE INTERSTATE ROUTE PURI TO CONTAI VIA. JALESWAR AND BACK.

Permanent permit No.08-R-2022 has been issued in favour of Sri Goutam Kumar Sarangi in respect of vehicle No.OD01A-0297 to operate on the Interstate route **Puri to Contai via. Jaleswar** and back w.e.f.18.12.2021 to 17.12.2026.

STA in its 291st meeting held on date 19.02.2020 has decided that, "**where permanent stage carriage permit was issued on any interstate route and not countersigned by the reciprocating State within three months from the date of issue or within such further time as may be granted by STA, 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."

The permit holder was requested vide this office letter No.18684 dated 11.12.2023 to furnish copy of countersignature granted by STA, West Bengal.

Heard the permit holder in person.

In view of decision taken by STA in its 291st meeting held on 19.02.2020 and the fact that the Permanent permit No.08-R-2022 has been issued in favour of Sri Goutam Kumar Sarangi in respect of vehicle No.OD01A-0297 to operate on the Interstate route **Puri to Contai via. Jaleswar and back** w.e.f.18.12.2021 to 17.12.2026 has not been countersigned till date. Thus, it is established that the permit holder is not operating his bus in the given route without getting the permit countersigned as required under Section 88 (1) of M.V. Act, 1988 causing inconvenience to the travelling public. The STA after due deliberation decided to cancel the Permanent permit No.08-R-2022 and to notify the route inviting applications for grant of permanent permit to the deserving bus operator in the interest of travelling public.

All the RTOs under whose jurisdiction the route surpasses are instructed to keep close watch over operation of vehicle OD01A-0297 to prevent clandestine operation of said vehicle and seize the same forthwith.

ITEM NO.07:-CANCELLATION OF PERMANENT PERMIT BEARING NO.68-R-2021 ISSUED TO VEHICLE NO.OD01L-5297 OPERATING ON THE INTERSTATE ROUTE BHUBANESWAR TO GHATAL VIA. BALASORE, JALESWAR AND BACK.

Permanent permit No.68-R-2021 has been issued in favour of Sri Goutam Kumar Sarangi in respect of vehicle No.OD01L-5297 to operate on the Interstate route **Bhubaneswar to Ghatal via. Balasore, Jaleswar and back** w.e.f. 01.01.2022 to 31.12.2026.

STA in its 291st meeting held on date 19.02.2020 has decided that, "**where permanent stage carriage permit was issued on any interstate route and not countersigned by the reciprocating State within three months from the date of issue or within such further time as may be granted by STA, 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."

The permit holder was requested vide this office letter No.18684 dated 11.12.2023 to furnish copy of countersignature granted by STA, West Bengal.

Heard the permit holder in person.

In view of decision taken by STA in its 291st meeting held on 19.02.2020 and the fact that the Permanent permit No.68-R-2021 has been issued in favour of Sri Goutam Kumar Sarangi in respect of vehicle No.OD01L-5297 to operate on the Interstate route **Bhubaneswar to Ghatal via. Balasore, Jaleswar and back** w.e.f. 01.01.2022 to 31.12.2026 has not been countersigned till date. Thus, it is established that the permit holder is not operating his bus in the given route without getting the permit countersigned as required under Section 88 (1) of M.V. Act, 1988 causing inconvenience to the travelling public. The STA after due deliberation decided to cancel the Permanent permit No.68-R-2021 and to notify the route inviting applications for grant of permanent permit to the deserving bus operator in the interest of travelling public.

All the RTOs under whose jurisdiction the route surpasses are instructed to keep close watch over operation of vehicle OD01L-5297 to prevent clandestine operation of said vehicle and seize the same forthwith.

ITEM NO.08:-CANCELLATION OF PERMANENT PERMIT BEARING NO.59-R-2021 ISSUED TO VEHICLE NO.OD05AD-0629 OPERATING ON THE INTERSTATE ROUTE BHUBANESWAR TO HALADIA VIA. BALASORE, EGRA, CONTAI AND BACK.

Permanent permit No.59-R-2021 has been issued in favour of Miss Sunandita Sarangi in respect of vehicle No.OD05AD-0629 to operate on the Interstate route **Bhubaneswar to Haladia via. Balasore, Egra, Contai and back** w.e.f.03.06.2021 to 02.06.2026.

STA in its 291st meeting held on date 19.02.2020 has decided that, **"where permanent stage carriage permit was issued on any interstate route and not countersigned by the reciprocating State within three months from the date of issue or within such further time as may be granted by STA, 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.”

The permit holder was requested vide this office letter No.18466 dated 06.12.2023 to furnish copy of countersignature granted by STA, West Bengal.

Heard the permit holder in person.

In view of decision taken by STA in its 291st meeting held on 19.02.2020 and the fact that the Permanent permit No.59-R-2021 has been issued in favour of Miss Sunandita Sarangi in respect of vehicle No.OD05AD-0629 to operate on the Interstate route **Bhubaneswar to Haladia via. Balasore, Egra, Contai and back** w.e.f.03.06.2021 to 02.06.2026 has not been countersigned till date. Thus, it is established that the permit holder is not operating her bus in the given route without getting the permit countersigned as required under Section 88 (1) of M.V. Act, 1988 causing inconvenience to the travelling public. The STA after due deliberation decided to cancel the Permanent permit No. 59-R-2021 and to notify the route inviting applications for grant of permanent permit to the deserving bus operator in the interest of travelling public.

All the RTOs under whose jurisdiction the route surpasses are instructed to keep close watch over operation of vehicle OD05AD-0629 to prevent clandestine operation of said vehicle and seize the same forthwith.

ITEM NO.09:- CANCELLATION OF PERMANENT PERMIT BEARING NO.04-R-2019 ISSUED TO VEHICLE NO.OD07AJ-2294 OPERATING ON THE INTERSTATE ROUTE JEYPORE TO BERHAMPUR VIA. SRIKAKULAM AND BACK.

Permanent permit No.04-R-2019 has been issued in favour of the Chairman-cum-Managing Director, OSRTC, C/O-DTM (A), OSRTC, Berhampur in respect of vehicle No.OD07AJ-2294 to operate on the Interstate route **Jeypore to Berhampur via. Srikakulam and back** w.e.f.17.03.2019 to 16.03.2024.

DTM (A), OSRTC, Berhampur had filed an application for renewal of permanent permit after expiry of permit No.04-R/2019 in respect of vehicle no.OD07AJ-2294.

Heard the DTM, OSRTC.



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 xxxx The provision 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

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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 DTM, OSRTC 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. 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.10:-OBJECTION AGAINST VEHICLE NO.WB41J-9761 OPERATING ON THE INTER-STATE ROUTE KCBT AT SANTRAGACHI to PHULBANI VIA. LAXMANNATH, BALASORE, CUTTACK, NAYAGARH AND BACK.

Adv. Sabyasachi Mishra appeared for the applicant.

Permanent permit No.WB2022-SC-0300A issued by STA, West Bengal, Kolkata in favor of Sri Nabendu Sahoo in respect of vehicle no.WB41J-9761 to operate on the Inter-State route KCBT at Santragachi to Phulbani via. Laxmannath, Balasore, Cuttack, Nayagarh and 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 Sarbeswar 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, in the R.C., 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 was issued to Sri Nabendu Sahoo as to why the permanent permit shall not be cancelled U/S 86 of M.V. Act, 1988 for violation of permit conditions vide this office Lt. no.9299/TC, dt.23.06.2023.



Sri Sabyasachi Mishra, Advocate for Sri Nabendu Sahoo has filed show cause reply.

Adv. S Mishra has submitted the show cause reply on dt. 09.11.2023 to refix the MV Tax in respect of his vehicle no. WB41J-9761 as per corrected seat capacity and sleeper capacity & allow him to pay the differential MV Tax with penalty and to drop the proceeding against his vehicle. Another petition has been submitted by Adv. S Mishra on dt. 04.11.2024 for drop of the proceeding against vehicle no. WB41J-9761. Heard.

The permit holder in his show cause reply dated 04.11.2024 submitted that after getting show cause notice on the objection filed by Sarbeswar Mishra, he came to know that there is less number of seating capacity and sleeper has been mentioned in the Registration Certificate of vehicle WB41J-9761 and corrected the same. As per countersignature No.42-G/2022 issued by STA, Odisha in favour of Nabendu Sahoo, owner of vehicle WB41J-9761 seating capacity was mentioned as 42+12 on the basis of information furnished by the permit holder. The permit holder corrected seating capacity and sleeper after initiation of cancellation proceeding which is after thought. The permit holder intentionally reduced seating capacity and sleeper to evade tax and obtained the countersignature by fraud and misrepresentation.

The STA after due deliberation decided to cancel the countersignature No.42-G/2022 issued in favour of Sri Nabendu Sahoo in respect of vehicle WB-41J-9761 under Section 86 (1) (d) of M.V. Act, 1988. Intimate the STA, West Bengal. The RTO, Balasore, Bhadrak, Jajpur, Chandikhol, Cuttack, Bhubaneswar, Nayagarh and Phulbani are directed to seize the vehicle under Section 17 (2) of OMVT Act, 1975 till realization of full amount of tax and penalty from the date of countersignature i.e. from 13.12.2022 till date. Since the countersignature has been cancelled, the RTOs to ensure that said vehicle shall not operate in the interstate route Santragachi to Phulbani clandestinely.

ITEM NO.11:- OBJECTION AGAINST VEHICLE NO.WB41J-9412 OPERATING ON THE INTER-STATE ROUTE KCBT AT SANTRAGACHI to BARGARH VIA. LAXMANNATH, BHADRAK, ANANDPUR, KEONJHAR AND BACK.

Both the objector and the opposite party were absent.



Permanent permit No.WB2022-SC-0105A issued by STA, West Bengal, Kolkata in favor of Sri Nitai Kumar Barik in respect of vehicle no.WB41J-9412 to operate on the Inter-State route KCBT at Santragachi to Bargarh via. Laxmannath, Bhadrak, Anandpur, Keonjhar and back valid till 30.05.2027 has been countersigned by this authority vide C.S No.19-G-2022.

In the meantime, one objection has been received by this authority from Sri Chaturbhuja Nayak, owner of vehicle no.OD05AM-8330 alleging that, the above mentioned vehicle is operating from Koida instead of Bargarh for which the travelling passengers are facing a lot of problems to reach their destination i.e. Bargarh.

The Regional Transport Officer, Bargarh vide letter No.2250 dated 11.10.2023 has intimated that the vehicle WB41J-9412 is not plying to Bargarh from KCBT Santragachi. The PD, NHAI vide letter dated 27.09.2023 intimated that the vehicle WB41J-9412 did not cross the Barahaguda Toll Plaza of Sambalpur, Bargarh Section of NH-53.

The RTO, Rourkela vide letter No.3005 dated 08.11.2023 intimated that the vehicle WB-41J-9412 is not plying touching Koira.

The permit holder was noticed vide this office letter No.16237 dated 30.10.2023, No.18680 dated 11.12.2023 by Speed Post to file show cause as to why the countersignature shall not be cancelled.

From the report of RTO, Bargarh, RTO, Rourkela and PD, NHAI it is established that the permit holder is not operating his bus upto Bargarh violating permit conditions. Countersignature No.19-G/2022 in respect of vehicle WB41J-9412 is cancelled under Section 86 (1) (a) of M.V. Act, 1988. The STA, West Bengal and the permit holder be intimated accordingly.

All the RTOs under whose jurisdiction the route surpasses are instructed to keep close watch over operation of vehicle WB41J-9412 to prevent clandestine operation of said vehicle and seize the same forthwith.

ITEM NO.12:- CANCELLATION OF PERMANENT PERMIT BEARING NO.02-G-2019 ISSUED TO VEHICLE NO.OD05Q-1007 OPERATING ON THE INTERSTATE ROUTE AMBIKI TO KHEJURI VIA. BALASORE, EGRA, CONTAI AND BACK.

Adv. Sukanta Kumar Mishra appeared for the applicant.



Permanent permit No.02-G-2019 has been issued in favour of Smt. Puspita Dash in respect of vehicle no.OD05Q-1007 to operate on the Inter-State route Ambiki to Khejuri via. Balasore, Egra, Contai and back w.e.f. 02.02.2019 to 01.02.2024.

Before expiry of permanent permit, the owner had filed application for grant of renewal of permit on dt.11.01.2024 which was processed and it was ordered to place the matter in the next STA meeting as an objection has been received to the effect that said vehicle is plying from Bhubaneswar (Master Canteen) to Khejuri instead of Ambiki to Khejuri.

The Addl. Commissioner Transport (Enf.) and RTO, Bhubaneswar were requested to furnish report regarding plying of vehicle OD05Q-1007 from Bhubaneswar to Ambiki vide this office letter No.974/TCdt.18.01.2024. The RTO, Jagatsinghpur was also requested to furnish detailed operational status of vehicle No.OD05Q-1007 vide this office letter No.973/TC, dt.18.01.2024.

In response to this office letter dated 18.01.2024, the RTO, Bhubaneswar enclosing the report of T.I, Bhubaneswar vide letter No.1113 dated 07.03.2024 stated that the vehicle OD05Q-1007 stopped plying from Master Canteen Bus Stand and Bhubaneswar since long.

The RTO, Jagatsinghpur in enclosing report furnished by Addl. RTO, (Enf.) vide his letter No.928/RTA, dt.28.03.2024 stated that during enquiry it has been found that the vehicle is not plying from Ambiki to Khejuri regularly.

On the basis of report furnished by RTO, Jagatsinghpur, the permit holder was asked to file show cause vide this office letter No.6432 dated 01.05.2024 as to why the permit shall not be cancelled.

In reply to the show cause notice dated 01.05.2024 issued by STA, the permit holder filed show cause on 13.05.2024 stating that she is operating her vehicle OD05Q-1007 on the route Ambiki to Khejuri and not operating from Bhubaneswar to Khejuri.

Smt. Puspita Dash had filed a W.P.(C) No.13667 of 2024 before Hon'ble High Court which was disposed of on 28.05.2024 with following direction.

"Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs Opposite Party No.2 (Secretary, STA, Odisha, Cuttack) to consider and dispose of the aforesaid representation vide



Annexure-6 to the writ petition in accordance with law within a period of four (4) weeks from the date of production of certified copy of this order and communicate the result of such exercise to the petitioner."

Considering submission made by the Advocate for the permit holder, Permanent permit No.02-G/2019 was issued to Smt. Puspita Das, owner of vehicle ODO5Q-1007 is renewed for a further period of five years w.e.f. 02.02.2024 to 01.02.2029 in the interstate route Ambiki to Khejuri via Balasore, Egra, Contai subject to fulfilment of other statutory requirements with the condition that the permit holder shall make TGR entry in Form – XXXII under Rule 75 (6) of OMV Rules, 1993 in the Jagatsinghpur Police Station every day to ensure plying of vehicle from Ambiki to Khejuri in the interest of travelling public. The permit shall be valid only if it is countersigned by STA, West Bengal. Above condition shall be incorporated in the body of permit. The IIC, Jagatsinghpur P.S. will submit monthly report to this office to monitor plying of vehicle of the permit holder on the given route. The proceeding for cancellation of permit will be kept pending and will be finally disposed of after receipt of report of IIC, Jagatsinghpur that the vehicle of the permit holder is plying upto Ambiki regularly.

ITEM NO.13:- PURI TO KOLKATA VIA.LAXMANNATH AND BACK.

Adv. Prasant Nanda appeared for the applicant.

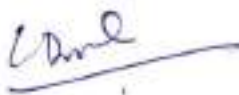
The matter was placed in the 296th, 297th, 298th, 300th, 301st and 302nd STA meeting and decision was deferred due to pendency of M.V. appeal No.05 of 2022 before Hon'ble STAT.

Since the matter is subjudice before Hon'ble STAT, it is deferred to the next STA meeting for decision.

INTER-REGION ROUTES (SINGLE APPLICATIONS)

ITEM NO.01:- RAMANKULA TO BHUBANESWAR VIA- RAJENDRAPUR CHHAK & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route Ramankula to Bhubaneswar via- Rajendrapurchhak and back, **Sri Abinash**



Bhanja, owner of vehicle No.**OD05BR-0072** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Abinash Bhanja**, owner of vehicle No. **OD05BR-0072** was represented by Advocate Shri A.K Behera. He has submitted Bank guarantee and self-declaration in Annexure-A and B.

As per VAHAN data no VCR/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 **Shri Abinash Bhanja**, owner of vehicle No.**OD05BR-0072** in the inter-region vacant route **Ramankula to Bhubaneswar via- Rajendrapur chhak and back** to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.02:- BANKI TO BHUBANESWAR VIA- KHURDHA & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Banki to Bhubaneswar via- Khurdha and back**, **Smt. Sasmita Mohanty**, owner of vehicle No.**OD02CK-3076** has filed application for grant of permanent permit in the aforesaid route.

Applicant Smt Sasmita Mohanty, owner of vehicle No.**OD02CK-3076** was present. She has submitted Solvency Certificate and self-declaration in Annexure-A and B.

As per VAHAN data no VCR/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.

On verification of application filed by Smt Sasmita Mohanty it is found that, she has submitted Annexure-A and B disclosing that she is the owner of vehicle



OD02CK-3076 and OD02S-8494 suppressing the fact that she owns another vehicle i.e. OD02CQ-2653.

The STA after due deliberation decided to reject the application filed by **Smt Sasmita Mohanty**, owner of vehicle No.**OD02CK-3076** for suppression of fact and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.03:- NAGAR TO PARADEEP VIA- ASTARANGA, KAKATPUR & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Nagar to Paradeep via- Astaranga, Kakatpur& back**, **Shri Sushanta Kumar Mohanty**, owner of vehicle No.**OD05BV-7329** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Sushanta Kumar Mohanty**, owner of vehicle No.**OD05BV-7329** was absent. He has submitted Solvency Certificate and self-declaration in Annexure-A and B.

As per VAHAN data no VCR/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 **Shri Sushanta Kumar Mohanty**, owner of vehicle No.**OD05BV-7329** in the inter-region vacant route **Nagar to Paradeep via- Astaranga, Kakatpur & back** to perform for a period of five years as Ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.04:- SAMBALPUR TO PADAMPUR & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the



route **Sambalpur to Padampur and back**, **Shri Bijay Kumar Mohapatra**, owner of vehicle No.**OD14AA-6250** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Bijay Kumar Mohapatra**, owner of vehicle No.**OD14AA-6250** was represented by Advocate **Shri H.P Mohanty**. He has submitted Bank guarantee and self-declaration in Annexure-A and B.

As per VAHAN data one VCR/e-Challan has been drawn on 23.11.2023 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.

As per decision taken in 291st STA meeting no permit shall be granted to vehicle for 1 year against which VCR was drawn under section 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 to be not satisfactory and not congenial to traveling public.

The STA after due deliberation decided to reject the application filed by **Shri Bijay Kumar Mohapatra**, owner of vehicle No.**OD14AA-6250** and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.05:- BANAPUR TO PHULBANI VIA-DASAPALLA & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Banapur to Phulbani via- Dasapalla & back**, **Shri Suresh Samantasinghar**, owner of vehicle No.**OD33AP-9277** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Suresh Samantasinghar**, owner of vehicle No. **OD33AP-9277** was represented by Advocate **Shri S.S Mishra**. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

As per VAHAN data no VCR/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 **Shri Suresh Samantasinghar**, owner of vehicle No. **OD33AP-9277** in the inter-region vacant route **Banapur to Phulbani via- Dasapalla& back** to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.06:- SULIAPADA TO KHURDHA VIA- BALASORE, BHADRAK & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Suliapada to Khurdha via- Balasore, Bhadrak & back**, **Shri Jayanta Kumar Behera**, owner of vehicle No.**OD01AY-8815** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Jayanta Kumar Behera**, owner of vehicle No.**OD01AY-8815** was represented by Advocate **Shri S.S Mishra**. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

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

ITEM NO.07:- BERHAMPUR TO BHUBANESWAR VIA- BALUGAON & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Berhampur to Bhubaneswar via- Balugaon & back**, **Smt Shradhanjali Panigrahi**, owner of vehicle No.**OD07AT-7499** has filed application for grant of permanent permit in the aforesaid route.



Applicant Smt Shradhanjali Panigrahi, owner of vehicle No.OD07AT-7499 was represented by Advocate Shri M.B.K Rao. She has submitted Bank Guarantee and self-declaration in Annexure-A and B.

As per VAHAN data no VCR/e-Challan was 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 Shradhanjali Panigrahi**, owner of vehicle No.OD07AT-7499 in the inter-region vacant route **Berhampur to Bhubaneswar via- Balugaon& back** to perform for a period of five years as Express Service subject to verification of original documents submitted by her. 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. 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.


ITEM NO.08:- DAITARY TO BHUBANESWAR VIA- KAMAKHYANAGAR & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Daitary to Bhubaneswar via- Kamakhyanagar & back**, **Shri Soumya Ranjan Pradhan**, owner of vehicle No.OD02CV-0094 has filed application for grant of permanent permit in the aforesaid route.

Applicant Shri Soumya Ranjan Pradhan, owner of vehicle No.OD02CV-0094 was represented by Advocate Shri S.S Mishra. He has submitted self-declaration in Annexure-A and B but not submitted the Solvency Certificate / Bank Guarantee.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

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



ITEM NO.09- CUTTACK TO PATKURA VIA- SANKHESWAR, GARADPUR & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Cuttack to Patkura via- Sankheswar, Garadpur & back**, **Shri Rajesh Kumar Behera**, owner of vehicle No.OD13-3599 has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Rajesh Kumar Behera**, owner of vehicle No.OD13-3599 was represented by Advocate **Shri S.K Sahoo**. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

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

After due deliberation it is decided to grant permanent stage carriage permit to **Shri Rajesh Kumar Behera**, owner of vehicle No.OD13-3599 in the inter-region vacant route **Cuttack to Patkura via- Sankheswar, Garadpur & back** to perform for a period of five years as ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.10- BHUBANESWAR TO KEONJHAR VIA-CHANDIKHOLE, DUBURI & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Bhubaneswar to Keonjhar via- Chandikhole, Duburi & back**, **Shri Bijay Kumar Sahoo**, owner of vehicle No.OD02CX-5739 has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Bijay Kumar Sahoo**, owner of vehicle No.OD02CX-5739 was represented by Advocate **Shri H.P Mohanty**. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.



Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

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

ITEM NO.11- BALAKATI TO KULLAD VIA- GODIPADA, ODAGAON & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Balakati to Kullad via- Godipada, Odagaon& back, Shri Bijay Kumar Sahoo**, owner of vehicle No.OD02CQ-2781 has filed application for grant of permanent permit in the aforesaid route.

Applicant Shri Bijay Kumar Sahoo, owner of vehicle No. OD02CQ-2781 was represented by Advocate Shri H.P Mohanty. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

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

ITEM NO.12- CUTTACK TO BHUBANESWAR & BACK 5RT

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Cuttack to Bhubaneswar & back 5R.T. Shri Bijay Kumar Sahoo**, owner of vehicle No.OD02AW-5637 has filed application for grant of permanent permit in the aforesaid route.

Applicant Shri Bijay Kumar Sahoo, owner of vehicle No. OD02AW-5637 was represented by Advocate Shri H.P Mohanty. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

As per VAHAN data no VCR/e-Challan was 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 of application filed by Shri Bijay Kumar Sahoo it is found that, he has submitted Annexure-A and B disclosing that he is the owner of vehicle OD02AW-5637, OD02S-8337, OR02AZ-5637, OR02BF-7640, OD02AX-1737, OR22C-5637, OD02R-7297, OR02AR-5659 & OR02BP-3640 suppressing the fact that he owns another three vehicles i.e. OD02CX-5739, OD02CQ-2781 & OR05AS-3663 apart from the vehicles declared in Annexure A and B.

The STA after due deliberation decided to reject the application filed by **Shri Bijay Kumar Sahoo**, owner of vehicle No. **OD02AW-5637** for suppression of fact and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.13:- CHANDANESWAR TO PURI & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Chandaneswar to Puri and back**, **Smt Rekhrani Mohanty**, owner of vehicle No.**OR01U-7785** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Smt Rekhrani Mohanty**, owner of vehicle No.**OR01U-7785** was represented by Advocate **Shri A.K Behera**. She has submitted self-declaration in Annexure-A and B but not submitted Solvency Certificate / Bank Guarantee.

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 was 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 reject the application filed by **Smt Rekhrani Mohanty** 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.14- KEONJHAR TO BHUBANESWAR VIA- GHATAGAON, CUTTACK & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 &**



22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Keonjhar to Bhubaneswar via- Ghatagaon, Cuttack & back, Shri Tapan Kumar Sahoo**, owner of vehicle No.**OD05AY-5225** has filed application for grant of permanent permit in the aforesaid route.

Applicant Shri Tapan Kumar Sahoo, owner of vehicle No.**OD05AY-5225** was represented by Advocate Shri S.S. Mishra. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

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

After due deliberation it is decided to grant permanent stage carriage permit to **Shri Tapan Kumar Sahoo**, owner of vehicle No.**OD05AY-5225** in the inter-region vacant route **Keonjhar to Bhubaneswar via- Ghatagaon, Cuttack & back** to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.15- CUTTACK TO MARSHAGHAI VIA- CHANDIKHOLE, KENDRAPADA & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Cuttack to Marshaghai via- Chandikhole, Kendrapada & back, Shri Budhadev Ray**, owner of vehicle No.**OD05BW-3699** has filed application for grant of permanent permit in the aforesaid route.

Applicant Shri Budhadev Ray, owner of vehicle No.**OD05BW-3699** was represented by Advocate Shri S.S. Mishra. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

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



After due deliberation it is decided to grant permanent stage carriage permit to **Shri Budhadev Ray**, owner of vehicle No.**OD05BW-3699** in the inter-region vacant route **Cuttack to Marshaghai via- Chandikhole, Kendrapada & back** to perform for a period of five years as Ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

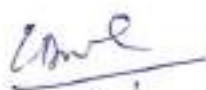
ITEM NO.16- PARADEEP TO CHANDIKHOLE & BACK 2RT

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Paradeep to Chandikhole & back 2RT**, **Shri Simran Singh**, owner of vehicle No.**OD02A-5707** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Simran Singh**, owner of vehicle No.**OD02A-5707** was represented by Advocate **Shri S.S Mishra**. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

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

After due deliberation it is decided to grant permanent stage carriage permit to **Shri Simran Singh**, owner of vehicle No.**OD02A-5707** in the inter-region vacant route **Paradeep to Chandikhole & back 2RT** to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.



ITEM NO.17- CHANDIKHOLE TO PARADEEP VIA- BALICHANDRAPUR, DUHURIA & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Chandikhole to Paradeep via- Balichandrapur, Duhuria & back**, **Shri Sanjeeb Kumar Mohanty**, owner of vehicle No.OD04S-5787 has filed application for grant of permanent permit in the aforesaid route.

Applicant **Sanjeeb Kumar Mohanty**, owner of vehicle No.OD04S-5787 was represented by Advocate **Shri S.S Mishra**. He has not submitted latest Solvency Certificate and self-declaration in Annexure-A and B.

As per Odisha Gazette Notification no. 728, dt. 17.04.2017 the validity of solvency certificate shall be one year from the date of issue. The solvency certificate submitted by the applicant has been issued by Tahasildar, Derabis on 02.01.2023. The validity of solvency certificate has already expired since 02.01.2024.

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 Sanjeeb Kumar Mohanty** for non-submission of latest 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.18- KEONJHAR TO BHUBANESWAR VIA- J.K ROAD, PANIKOILI & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Keonjhar to Bhubaneswar via- J.K Road, Panikoili & back**, **Shri Soumya Ranjan Pradhan**, owner of vehicle No.OD02BH-0094 has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Soumya Ranjan Pradhan**, owner of vehicle No.OD02BH-0094 was represented by Advocate **Shri S.S Mishra**. He has submitted self-declaration in Annexure-A and B but not submitted Bank Guarantee/Solvency.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

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

ITEM NO.19- KEONJHAR TO BHUBANESWAR VIA- GHATAGAON, PANIKOILI, CHANDIKHOLE, CUTTACK & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Keonjhar to Bhubaneswar via- Ghatagaon, Panikoili, Chandikhole & back**, Shri **Soumya Ranjan Pradhan**, owner of vehicle No.OD02BH-0094 has filed application for grant of permanent permit in the aforesaid route.

Applicant Shri Soumya Ranjan Pradhan, owner of vehicle No.OD02BH-0094 was represented by Advocate Shri S.S Mishra. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

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

After due deliberation it is decided to grant permanent stage carriage permit to **Shri Soumya Ranjan Pradhan**, owner of vehicle No.OD02BH-0094 in the inter-region vacant route **Keonjhar to Bhubaneswar via- Ghatagaon, Panikoili, Chandikhole & back** to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.20- DUMURKUDA TO ROURKELA VIA-KUCHINDA & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Dumurkuda to Rourkela via- Kuchinda & back**, Shri **Ritesh Kumar Hati**,



owner of vehicle No.OD14R-1689 has filed application for grant of permanent permit in the aforesaid route.

Applicant Shri Ritesh Kumar Hati, owner of vehicle No.OD14R-1689 was represented by Advocate Shri H.P Mohanty. He has submitted Solvency Certificate and self-declaration in Annexure-A and B.

As per VAHAN data one VCR/e-Challan was drawn on 30.09.2024 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.

As per decision taken in 291st STA meeting no permit shall be granted to vehicle for 1 year against which VCR was drawn under section 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.

The STA after due deliberation decided to reject the application filed by Shri **Ritesh Kumar Hati**, owner of vehicle No.OD14R-1689 and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.21- CHHENDIPADA TO ROURKELA & BACK

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Chhendipada to Rourkela & back**, **Shri Ram Mohan Nayak**, owner of vehicle No.OD14AG-1112 has filed application for grant of permanent permit in the aforesaid route.

Applicant Shri Ram Mohan Nayak, owner of vehicle No.OD14AG-1112 was represented by Advocate Shri H.P Mohanty. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

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

After due deliberation it is decided to grant permanent stage carriage permit to **Shri Ram Mohan Nayak**, owner of vehicle No.OD14AG-1112 in the inter-region



vacant route Chhendipada to Rourkela & back to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.22- KOSAGUMUDA TO RAYAGADA VIA- KORAPUT & BACK

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Kosagumuda to Rayagada via- Koraput & back**, **Shri Sunil Kumar Padhy**, owner of vehicle No.**OD10V-1114** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Sunil Kumar Padhy**, owner of vehicle No.**OD10V-1114** was absent. He has submitted the self-declaration in Annexure-A and B but not submitted the Solvency Certificate / Bank Guarantee.

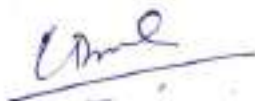
Financial Stability of the applicant cannot be adjudged in absence of Solvency Certificate/Bank Guarantee as required under Section 71 (3) (d) (i) of M.V Act 1988.

Objection has been received from **Sri Chandra Sekhar Panda**, owner of vehicle No.**OD10D-6199** and mentioned that the owner has applied to his own notified permit with same vehicle.

The STA after due deliberation decided to reject the application filed by **Sri Sunil Kumar Padhy** 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.23- CUTTACK TO KAKATPUR VIA- ADASPUR, NIALI & BACK

Pursuant to the advertisement published in website on 09.11.2023 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 route **Cuttack to Kakatpur via- Adaspur, Niali& back**, **Shri Prasanta Kumar**



Routray, owner of vehicle No.**OD15D-0878** has filed application for grant of permanent permit in the aforesaid route.

Applicant **Shri Prasanta Kumar Routray**, owner of vehicle No.**OD15D-0878** was represented by Adv. **Sri M.B.K. Rao**. He has submitted Bank Guarantee and self-declaration in Annexure-A and B.

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

After due deliberation it is decided to grant permanent stage carriage permit to **Shri Prasanta Kumar Routray**, owner of vehicle No.**OD15D-0878** in the inter-region vacant route **Cuttack to Kakatpur via- Adaspur, Niali & back** to perform for a period of five years as Ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

INTER-REGION ROUTES (MULTI APPLICATIONS)

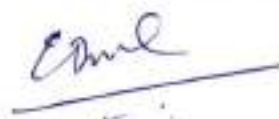
ITEM NO.24:-JANHIKUDA TO CUTTACK & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Janhikuda to Cuttack & back**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

- 1. Shri Suresh Samantasinghar , owner of vehicle No.OD33AP-9266**
- 2. Shri Ashok Kumar Parida, owner of vehicle No.OD02CX-6329**

Applicant **Shri Suresh Samantasinghar**, owner of vehicle No.**OD33AP-9266** was represented by advocate **Shri S.S Mishra**. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

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



Based on the evolution criteria, in terms of model of vehicle, type of facilities in Bus, ShriSuresh Samantasinghar, owner of vehicle No.OD33AP-9266 has secured 45 marks.

Applicant **Shri Ashok Kumar Parida**, owner of vehicle No.OD02CX-6329 was absent. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

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

Based on the evolution criteria, in terms of model of vehicle, type of facilities in Bus, ShriAshok Kumar Parida, owner of vehicle No.OD02CX-6329 has secured 80 marks.

The STA after due deliberation decided to grant permanent stage carriage permit to **Shri Ashok Kumar Parida**, owner of vehicle No.OD02CX-6329 in the inter-region vacant route **Janhikuda to Cuttack & back** to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.25:- CUTTACK TO PARADEEP VIA- JAGATSINGHPUR & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route Cuttack to Paradeep via- Jagatsinghpur & back, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

- 1. Shri Abinash Bhanja , owner of vehicle No.OD05BR-0072**
- 2. Smt Sasmita Mohanty, owner of vehicle No.OD02CQ-2653**

Applicant **Sri Abinash Bhanja**, owner of vehicle No.OD05BR-0072 was represented by advocate Shri A.K Behera. He has submitted self declaration in Annexure-A & B but not submitted Bank Guarantee/Solvency Certificate.



Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

Applicant **Smt Sasmita Mohanty, owner of vehicle No.OD02CQ-2653** was present. She has submitted self declaration in Annexure-A & B and Solvency Certificate.

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 of application filed by Smt Sasmita Mohanty it is found that, she has submitted Annexure-A and B disclosing that she is the owner of vehicle OD02CQ-2653 & OD02S-8494 suppressing the fact that she owns another vehicle i.e. OD02CK-3076.

The STA after due deliberation decided to reject the application filed by Smt **Sasmita Mohanty, owner of vehicle No.OD02CQ-2653** for suppression of fact and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.26:- BHUBANESWAR TO PHULBANI & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Bhubaneswar to Phulbani & back**, the following applications have been received for grant of permanent permit on the above vacancy as detailed below.

- 1. Shri Suresh Samantasinghar, owner of vehicle No.OD33AP-9266**
- 2. Shri Goul Mohan, owner of vehicle No.OD02CP-4411**

Applicant **Shri Suresh Samantasinghar, owner of vehicle No.OD33AP-9266** was represented by advocate Shri S.S Mishra. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.



Applicant **Shri Goul Mohan**, owner of vehicle No.OD02CP-4411 was absent. He has submitted self declaration in Annexure-A & B but not submitted Bank Guarantee/Solvency Certificate.

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

The STA after due deliberation decided to reject the application filed by Sri **Shri Goul Mohan** 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.27:- BHUBANESWAR TO NAYAGARH & BACK 2RT.

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Bhubaneswar to Nayagarh & back 2RT**, the following applications have been received for grant of permanent permit on the above vacancy as detailed below.

1. **Shri Bijay Kumar Sahoo , owner of vehicle No.OD02CQ-2781**
2. **Shri Soumya Ranjan Pradhan, owner of vehicle No.OD02CV-0094**


Applicant **Shri Bijay Kumar Sahoo**, owner of vehicle No.OD02CQ-2781 was represented by advocate Shri H.P Mohanty. He has submitted self declaration in Annexure-A & B and submitted Bank Guarantee/Solvency Certificate.

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.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

Applicant **Shri Soumya Ranjan Pradhan**, owner of vehicle No.OD02CV-0094 was represented by advocate Shri S.S Mishra. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

As per VAHAN data no VCR/e-Challan was 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 **Shri Soumya Ranjan Pradhan**, owner of vehicle No.**OD02CV-0094** in the inter-region vacant route **Bhubaneswar to Nayagarh & back 2RT** to perform for a period of five years as Ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.28:- BHUBANESWAR TO RUDHAPADAR VIA- RANAPUR & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Bhubaneswar to Rudhapadar via- Ranapur & back**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. **Shri Bijay Kumar Sahoo, owner of vehicle No.OD02AW-5637**
2. **Shri Bijay Kumar Sahoo, owner of vehicle No.OD02CQ-2781**

Applicant **Shri Bijay Kumar Sahoo**, owner of vehicle No. **OD02AW-5637** was represented by advocate **Shri H.P Mohanty**. He has submitted self declaration in Annexure-A & B and submitted Bank Guarantee.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

Applicant **Shri Bijay Kumar Sahoo**, owner of vehicle No.OD02CQ-2781 was present represented by advocate **Shri H.P Mohanty**. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

As per VAHAN data no VCR/e-Challan was 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 of application filed by **Shri Bijay Kumar Sahoo** it is found that, he has submitted Annexure-A and B disclosing that he is the owner of vehicle **OD02CQ-2781, OR02AZ-5637, OD02S-8337, OD02AX-1737, OD02R-7297, OR02BF-7640, OR22C-5637, OR02BS-0267, OR02BS-0372 & OR02BP-3640**



suppressing the fact that he owns other three vehicles i.e. OD02CX-5739, OR05AS-3663 & OD02AW-5637.

The STA after due deliberation decided to reject the application filed by Shri **Bijay Kumar Sahoo**, owner of vehicle No.**OD02CQ-2781** for suppression of fact and to notify the route in website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.29:- PURI TO ROURKELA & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Puri to Rourkela & back**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. Shri Laxmi Narayan Rath , owner of vehicle No.OD05BV-8947

2. Smt. Sabita Rout, owner of vehicle No.OD14AG-8877

Applicant **Shri Laxmi Narayan Rath**, owner of vehicle No.**OD05BV-8947** was represented by advocate Shri M.B.K Rao. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

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

Based on the evolution criteria, in terms of model of vehicle, type of facilities in Bus, Shri Laxmi Narayan Rath, owner of vehicle No.OD05BV-8947 has secured **85 marks**.

Applicant Smt Sabita Rout, owner of vehicle No.OD14AG-8877 was represented by advocate Shri H.P Mohanty. He has submitted self declaration in Annexure-A & B and valid Bank Guarantee.

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

Based on the evolution criteria, in terms of model of vehicle, type of facilities in Bus, Smt Sabita Rout, owner of vehicle No.OD14AG-8877 secured **85 marks**.

STA in its 295th meeting resolved that "in case of a tie, it has been agreed among the STA members in the passed that the date of registration of the vehicle shall be the best criteria to decide to issue of latest model as it would be objective and will be void of any discretion. The vehicle with later date of registration is to be finally selected in case of tie. Accordingly upon verification of the date of registration of the vehicle of two applicants it is found that the vehicle no. **OD05BV-8947 of Sri Laxminarayan Rath is registered on dt.27.09.2024 & OD14AG-8877 of Smt. Sabita Rout** is registered on dt. 05.10.2024.

The STA after due deliberation decided to grant permanent stage carriage permit to **Smt Sabita Rout**, owner of vehicle No.**OD14AG-8877** in the inter-region vacant route **Puri to Rourkela & back** to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.30:- TRILOCHANPUR TO BHUBANESWAR VIA-TIRTOL, CUTTACK & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "**The Samaj**" and English Newspaper "**The Times of India**" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Trilochanpur to Bhubaneswar via- Tirtol, Cuttack & back**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. **Shri Abinash Bhanja, owner of vehicle No.OD05BR-0072**
2. **Sri Manish Barik , owner of vehicle No.OD05BW-7299**

Applicant **Shri Abinash Bhanja, owner of vehicle No.OD05BR-0072** was represented by advocate Shri A.K Behera. He has submitted self declaration in Annexure-A & B but not submitted Bank Guarantee/Solvency Certificate.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.



Applicant Shri Manish Barik, owner of vehicle No.OD05BW-7299 was represented by advocate Shri S.S Mishra. He has submitted self declaration in Annexure-A & B and submitted Bank Guarantee.

As per VAHAN data no VCR/e-Challan was 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 **Shri Manish Barik**, owner of vehicle No.OD05BW-7299 in the inter-region vacant route **Trilochanpur to Bhubaneswar via- Tirtol, Cuttack & back** to perform for a period of five years as Ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.31:- CHANDABALI TO BHUBANESWAR & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Chandabali to Bhubaneswar & back**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. **Shri Abinash Bhanja, owner of vehicle No.OD05BR-0072**
2. **Smt Sarmeeshta Mohapatra owner of vehicle No-OD22W-7772**

Applicant Shri Abinash Bhanja, owner of vehicle No.OD05BR-0072 was represented by advocate Shri A.K Behera. He has submitted self declaration in Annexure-A & B and submitted Bank Guarantee.

Advocate for the applicant stated that, he wants to withdraw his application. The application is rejected as withdrawn.

Applicant Smt.Sarmeeshta Mohapatra owner of vehicle No-OD22W-7772was represented by advocate Shri H.P Mohanty. He has submitted self declaration in Annexure-A & B and submitted Bank Guarantee.



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.

Objection has been received from Adv.Shri S.S Mishra on behalf of Shri Santosh Kumar Samantara owner of vehicle No-OD05BL-6899 and mentioned that he has challenged the decision of STA before the Hon'ble High Court of Orissa in W.P(C) No-46060 of 2024 & which is pending for adjudication.

The STA after due deliberation decided to grant permanent stage carriage permit to **Smt Sarameestha Mohapatra** owner of vehicle No-OD22W-7772 in the inter-region vacant route **Chandabali to Bhubaneswar & back** to perform for a period of five years as Express Service subject to outcome of order in W.P(C) No.46060 of 2024 & verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.32:- SAMBALPUR TO BARGARH & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Sambalpur to Bargarh & back**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. S.K Samsuddin, owner of vehicle No.OD17T-5242

2. Shri Bijay Kumar Mohapatra, owner of vehicle No.OD15N-1419

Applicant S.K Samsuddin, owner of vehicle No.OD17T-5242 was represented by advocate Shri J.N Mohanty. He has submitted self declaration in Annexure-A & B and Solvency Certificate.

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

Based on the evolution criteria, in terms of model of vehicle, type of facilities in Bus, S.K Samsuddin, owner of vehicle No.OD17T-5242 has secured **30 marks**.



Applicant Shri Bijay Kumar Mohapatra, owner of vehicle No.OD15N-1419 was absent. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

As per VAHAN data one VCR/e-Challan drawn under section 192-A of M.V. Act, 1988 against vehicle No-OD05AH-9965 owned by the applicant within one year prior to date of consideration of present application.

As per 291st STA resolution " In cases where any of the vehicle owned by the applicant (except the vehicle covered under clause (a) above), plying (1) without permit, (2) making unauthorized trips, (3) as stage carriage under special permit / contract carriage permit, five marks for each VCR / e-challan drawn within one year from the date of consideration of application will be deducted for every VCR / e-challan whether pending or closed in respect of stage carriage for which grant of permit is under consideration. Commission of above offences will be considered as past performance of a stage carriage operator."

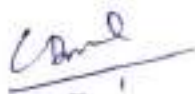
Based on the evolution criteria, in terms of model of vehicle, type of facilities in Bus, Shri Bijay Kumar Mohapatra, owner of vehicle No.OD15N-1419 has secured **10 marks.**

The STA after due deliberation decided to grant permanent stage carriage permit to **S.K Samsuddin, owner of vehicle No.OD17T-5242** in the inter-region vacant route **Sambalpur to Bargarh & back** to perform for a period of five years as ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.33:- MUNDIBEDA TO JEYPORE & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on **09.10.2024 & 22.10.2024** inviting applications for grant of permanent stage carriage permit in the route **Mundibeda to Jeypore & back**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

- 1. Shri Soumyadeep Bisoi, owner of vehicle No.OD10Z-2205**
- 2. Shri Hare Krushna Samanta, owner of vehicle No.OD15AB-4545**



Applicant Shri Soumyadeep Bisoi, owner of vehicle No.OD10Z-2205 was represented by advocate Shri H.P Mohanty. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

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

Based on the evolution criteria, in terms of model of vehicle, type of facilities in Bus, Shri Soumyadeep Bisoi, owner of vehicle No.OD10Z-2205 secured 65 marks.

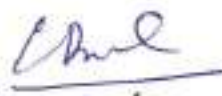
Applicant Shri Hare Krushna Samanta, owner of vehicle No.OD15AB-4545 was represented by advocate Shri S.S Mishra. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

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

Based on the evolution criteria, in terms of model of vehicle, type of facilities in Bus, Shri Hare Krushna Samanta, owner of vehicle No.OD15AB-4545 secured 65 marks.

It is to mention here that the vehicle NO.OD15AB-4545 (owner-Sri Hare Krushna Samanta) was registered on 30.10.2024 by the RTO, Sambalpur i.e. after last date of receipt of application i.e. 25.10.2024. Hence the application of Sri Hare Krushna Samanta is not considered.

The STA after due deliberation decided to grant permanent stage carriage permit to **Shri Soumyadeep Bisoi**, owner of vehicle No.OD10Z-2205 in the inter-region vacant route **Mundibeda to Jeypore & back** to perform for a period of five years as ordinary Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.



ITEM NO.34:- REMULI TO BHUBANESWAR & BACK.

Pursuant to the advertisement published in website and daily odia newspaper "The Samaj" and English Newspaper "The Times of India" on 09.10.2024 & 22.10.2024 inviting applications for grant of permanent stage carriage permit in the route **Remuli to Bhubaneswar & back**, the following applicants have applied for grant of permanent permit on the above vacancy as detailed below.

1. **Shri Ranjan Kumar Padhi, owner of vehicle No.OD05BT-4445**
2. **Shri Soumya Ranjan Prdhan, owner of vehicle No.OD02CV-0094**

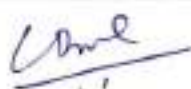
Applicant Shri Ranjan Kumar Padhi, owner of vehicle No.OD05BT-4445 was represented by advocate Shri H.P Mohanty. He has submitted self declaration in Annexure-A & B and Bank Guarantee.

As per VAHAN data no VCR/e-Challan was 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.

Advocate Sri S. Mishra, appearing for Shri Soumya Ranjan Prdhan, owner of vehicle No.OD02CV-0094 has submitted to withdraw the application. The application filed by Shri Soumya Ranjan Prdhan is rejected as withdrawn.

On verification of application filed by Shri Ranjan Kumar Padhi it is found that, he has submitted Annexure-A and B disclosing that he is the owner of vehicle OD05BT-4445, OD05Y-4445, OD05B-4445, OD05AX-4445, OD05AE-4445, OD05V-4445, OR05AQ-4445, OD05BE-4445, OD05AF-4445 & OD05BT-4445 suppressing the fact that he owns another vehicle i.e. OR02AK-3242.

The STA after due deliberation decided to reject the application filed by Shri **Ranjan Kumar Padhi**, owner of vehicle No.**OD05BT-4445** for suppression of fact. The route shall be notified in the website inviting applications for grant of permanent stage carriage permit to the deserving bus operator in the interest of travelling public.



INTER-REGION CASE MATTER

ITEM NO.01- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT VIDE NO-PP99/130331/G ON THE ROUTE BALASORE TO BOLANGIR AND BACK IN RESPECT OF VEHICLE NO-OR01S-7187 IN FAVOUR OF SRI RAJESH KUMAR PERIWAL.

Sri Rajesh Kumar Periwai, owner of vehicle no. OR01S-7187 was present in person. Heard.

Sri Periwai has filed W.P. (C) No.11802 of 2024 which was disposed of on 20.05.2024. Hon'ble High Court has passed the following order.

- "1. This matter is taken up through hybrid mode.*
- 2. This writ petition has been filed for a direction to the State Transport Authority, Odisha, Cuttack-Opposite Party No.1 to renew permanent permit of the vehicle of the Petitioner bearing Registration No.OR-01-S-7187 .*
- 3. It is submitted by Mr. Mohammad, learned counsel for the petitioner that permanent permit in respect of the aforesaid vehicle was valid up to 5th April, 2023 and the application for renewal of permit was made on 10th March, 2023 by depositing the requisite fee. The Petitioner has already submitted his reply to the show cause notice issued. But, no action has yet been taken by the authority for renewal of permit of the Petitioner's vehicle. Hence, this writ petition has been filed.*
- 4. Mr. Behera, learned Standing Counsel for the Transport Department submits that if the application filed by the Petitioner is still pending, a decision on the same shall be taken in accordance with law.*
- 5. Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner, disposes of the writ petition with a direction that the State Transport Authority, Odisha, Cuttack-Opposite Party No.1 shall take a decision on the application filed by the Petitioner for renewal of permanent permit in respect of the aforesaid vehicle as expeditiously as possible preferably within a period of six weeks from the date of production of certified copy of this order giving opportunity of hearing to the Petitioner and the result thereof shall be communicated to the Petitioner forthwith."*

Permanent Permit PP99/130331/G on the route Balasore to Bolangir and back was granted in favour of Sri Rajesh Kumar Periwai owner of vehicle



No.OR01S-7187 valid till 05.04.2023 w.e.f. 06.04.2018. Sri Perival has filed application for renewal of permit on 10.03.2023 through online i.e. 25 days before expiry of permit.

From VAHAN it is revealed that the vehicle No.OR01S-7187 was kept off road from 01.11.2021 to 31.03.2023 (17 months) during validity of permit excluding covid period and show cause notice was issued vide this office letter no. 17877/TC, dt. 30.11.2023 in view of 291st STA resolution as to why granted P.P shall not be cancelled for violation of permit condition U/s 86 of MV Act 1988. In response to this notice Sri Perival has submitted show cause reply on 08.12.2023. Total period of off road of vehicle of Sri Perival is one year and five months.

The applicant admitted that his vehicle has not operated on the given route from 01.11.2021 to 31.03.2023 causing inconvenience to travelling public.

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."*

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.

The permit holder did not intimate the STA about non-operation of bus from 01.11.2021 to 31.03.2023 as required under rule 75 (3) of OMV Rules, 1993.

Considering the facts and circumstances mentioned above, after due deliberation, STA decided to reject the application for renewal of permanent permit filed by Sri Rajesh Kumar Periwal, owner of vehicle No.OR01S-7187.

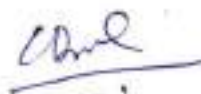
It was decided to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.02:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT NO.PP99/130749/G ON THE ROUTE MUKHIGUDA TO BHUBANESWAR VIA- BHAWANIPATANA, KESINGA, BOLANGIR & BACK IN RESPECT OF VEHICLE NO.OD08A-4228 IN FAVOUR OF SRI SUMEET RAJ MUND.

Heard Sri H.P Mohanty, Advocate for Sri Sumeet Raj Mund.

Sri Mund has filed W.P. (C) No.35807 of 2023 which was disposed of on 10.11.2023. Hon'ble High Court has passed the following order.

- "1. This matter is taken up through hybrid mode.*
- 2. The Petitioner in this writ petition prays for a direction for acceptance of arrear MV tax amount by exempting penalties due to non-payment of MV tax in respect of vehicle bearing Registration No.OD-08-A-4228 for the period from 1st October, 2022 to 31st October, 2023 within the stipulated period.*
- 3. Learned counsel for the Petitioner submits that the Petitioner may be permitted to pay the arrear MV tax. He further submits that since reply to the notice for imposition of penalty has already been submitted, decision in that regard may be taken by the Taxing Officer. He further submits that due to some inadvertency, the Petitioner could not pay the MV tax in time in respect of the aforesaid vehicle for which the authorities have imposed penalties. He, therefore, prays for a direction for waiver of the penalties and acceptance of the arrear MV tax in question.*
- 4. Mr. Behera, learned Standing Counsel for the Transport Department submits that similar writ petitions have been disposed of granting liberty to the Petitioner to pay the arrear MV tax and file an appeal before the appellate authority assailing imposition of penalties.*



5. Taking into consideration the submissions of learned counsel for the parties, this writ petition is disposed of with a direction that in the event the Petitioner pays the arrear MV tax in respect of the vehicle bearing Registration No. OD-08-A-4228 within a period of four weeks, the appropriate authority shall accept the same and proceed to take a decision on the reply submitted by the Petitioner to the show cause notice for imposition of penalty. On payment of outstanding MV tax amount and upon filing of an application, if any, the authority shall consider issuance of permit and fitness certificate in respect of the aforesaid vehicle in accordance with law."

Aforesaid writ petition was filed on 01.11.2023 i.e. prior to filing of application of renewal of permit by Sir Mund on 06.11.2023.

Permanent Permit PP99/130749/Gon the route Mukhiguda to Bhubaneswar, via- Bhawanipatna, Kesinga, Bolangir and back was granted in favour of Sri Sumeet Raj Mund owner of vehicle No. **OD08A-4228** valid till 15.10.2023 w.e.f. 16.10.2018. Sri Mund has filed application for renewal of permit on 06.11.2023 through manually i.e. Twenty One days after expiry of permit.

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 xxxx *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 **Sumeet Raj Mund** owner of vehicle No.**OD08A-4228** 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. 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.03:- ALLEGATION AGAINST SRI RAGHUNATH KAR OWNER OF VEHICLE NO-OR05Y-9594 FOR NON OPERATION OF HIS VEHICLE ON THE GRANTED ROUTE FROM 1) CUTTACK TO RAJKANIKAI VAI-SALIPUR, KENDRAPADA & BACK 2) CUTTACK TO KENDRAPADA VIA- SALIPUR & BACK.

Permanent Permit no.SC/PP/05/22/14 has been granted to Sri Ragunath Kar in respect of vehicle no-OR05Y-9594 on the route 1) **CUTTACK TO RAJKANIKAI VAI-SALIPUR, KENDRAPADA & BACK** 2) **CUTTACK TO KENDRAPADA VIA-SALIPUR & BACK** which is valid till 28.01.2024 & subsequently lifted TP vide No-TP99/430-G-2024 for 119days valid till-09.11.2024.

Sri Debasish Acharya, owner of vehicle No-OD14A-0193 filed objection stating that Sri Kar did not operate his vehicle in the permitted route & continuously kept his vehicle off road. On verification from VAHAN it is seen that the vehicle was kept off road from 01.10.2022 to 31.01.2023 (04 months) & 01.06.2023 to 30.11.2023 (6 months) during PP period.

Accordingly, Sri Kar was directed to file show cause vide this office letter No.15141/TC dated 05.10.2023 as to why the PP shall not be cancelled/suspended for not operating in the given route violating permit conditions.

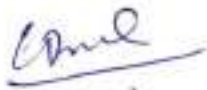
In response to the above notice, Advocate on behalf of Sri Kar has submitted show cause reply.

Sri H.P. Mohanty, Advocate appearing for Sri Raghunath Kar submitted that the copy of objection filed by Sri Debasish Acharya has not been served upon Sri Kar.

Let copy of objection be served upon Sri Raghunath Kar. The matter is deferred to next STA meeting.

ITEM NO.04:- CONSIDERATION OF APPLICATION FOR GRANT OF NEW TP ON THE ROUTE FROM CUTTACK TO MALAKANAGIRI AND BACK IN RESPECT OF VEHICLE NO-OD02BG-0757 IN FAVOUR OF SRI SUSIM KANTI MOHANTY .

All India Tourist Permit No-OR2021-AITP-0021A has been issued to Sri Susimkanti Mohanty owner in respect of vehicle no-OD02BG-0757 w.e.f. 05.10.2021 to 04.10.2026 to carry passenger or passengers for hire or reward and operated



from one point to another point without stopping to pickup and set down passengers during the journey. But the permit holder was plying his vehicle regularly as stage carriage in clandestine manner and pickup and set down passengers enroute during journey violating permit conditions . For such illegal operation of above vehicle by the owner , e-Challans were drawn under section 192(A) of MV ACT 1988 and show cause was issued to the owner through RTO Bhubaneswar 1 vide letter no-2514/TC dated-21.02.2023.

The above matter was placed in the 300th STA meeting held on 24.03.2023 in Item No- 3.8 in respect of vehicle no- OD02BG-0757. STA after due deliberation decided to cancelled the above All India Tourist Permit No- OR2021-AITP-0021A under section 86 (1) (b) of MV ACT1988 for violation of permit conditions. It was decided that NO Permanent / Temporary / Tourist / Contract Carriage permit shall be granted by STA/ RTAs online/offline to Sri Susimkanti Mohanty owner of vehicle no OD02BG-0757 for a period of one year as decided by STA in its 298th meeting held on 09.01.2023. Then an Office order for cancelation of the All India Tourist permit for a period of 1 year vide No-6256/TC dated-27.04.2023 has been issued .

Being aggrieved the owner in respect of vehicle no- OD02BG-0757 has filed MV Appeal No-05/2023 before the Hon'ble S.T.A.T Odisha Cuttack and Hon'ble S.T.A.T has passed judgment dated- 22.12.2023 that,

"The impugned order dated-24.03.2023 in item no-3.8 of 300th STA meeting and subsequent order dated-27.04.2023 are hereby set aside. The Authorities are directed to give fresh opportunity to the appellant by issuing fresh show cause notice for proposed suspension/cancellation and details of the punishment, if any, to be imposed and disposed the same afresh within a reasonable period."

In the meantime on verification from form-24 and VAHAN it is found that the owner has converted his vehicle from Contract Carriage to Stage carriage and surrender the aforesaid permit and applied for new TP on the route from Cuttack to Malkanagiri& back vide Sl.No-20 and the same has been rejected by the Chairman, STA on dt. 17.08.2024. The applicant may apply afresh for temporary permit online.

ITEM NO.05:- CONSIDERATION OF APPLICATION FOR GRANT OF NEW TP ON THE ROUTE FROM BHUBANESWAR TO JEYPORE AND BACK IN RESPECT OF VEHICLE NO-OD02BG-0557 IN FAVOUR OF SRI SUSIM KANTI MOHANTY.

All India Tourist Permit No-OR2021-AITP-0022A has been issued to Sri Susimkanti Mohanty owner in respect of vehicle no-OD02BG-0557 w.e.f 05.10.2021



to 04.10.2026 to carry passenger or passengers for hire or reward and operated from one point to another point without stopping to pickup and set down passengers during the journey. But the permit holder was plying his vehicle regularly as stage carriage in clandestine manner and pickup and set down passengers enroute during journey violating permit conditions . For such illegal operation of above vehicle by the owner, e-Challans were drawn under section 192(A) of MV ACT 1988 and show cause was issued to the owner through RTO Bhubaneswar 1 vide this office letter No-2184/TC dated-16.02.2023 .

The above matter was placed in the 300th STA meeting held on 24.03.2023 in Item No- 3.7 in respect of vehicle no-OD02BG-0557. STA after due deliberation decided to cancelled the above All India Tourist Permit No- OR2021-AITP-0022A under section 86 (1) (b) of MV ACT1988 for violation of permit conditions . It was decided that NO Permanent / Temporary / Tourist / Contract Carriage permit shall be granted by STA/ RTAs online/offline to Sri Susimkanti Mohanty owner of vehicle no OD02BG-0557 for a period of one year as decided by STA in its 298th meeting held on 09.01.2023. Then an Office order for cancelation of the All India Tourist permit for a period of 1 year vide No-6252/TC dated-27.04.2023 has been issued .

Being aggrieved the owner in respect of vehicle no- OD02BG-0557 has filed MV Appeal No-06/2023 before the Hon'ble S.T.A.T Odisha Cuttack and Hon'ble S.T.A.T has passed judgment dated-22.12.2023 that,

"The impugned order dated-24.03.2023 in item no-3.7 of 300th STA meeting and subsequent order dated-27.04.2023 are hereby set aside. The Authorities are directed to give fresh opportunity to the appellant by issuing fresh show cause notice for proposed suspension/cancellation and details of the punishment, if any, to be imposed and disposed the same afresh within a reasonable period."

In the meantime on verification from form-24 and VAHAN it is found that the owner has converted his vehicle from Contract Carriage to Stage carriage and surrender of All India Tourist Permit on 30.09.2023 vide No-OR2021-AITP-0022A w.e.f 05.10.2021 to 04.10.2026. and applied for new TP on the route from Bhubaneswar to Jeypore& back vide Sl. No.19 and the same has been rejected by the Chairman, STA on dt. 17.08.2024.The applicant may apply afresh for temporary permit online.



ITEM NO.06:- CANCELLATION OF PERMANENT PERMIT VIDE NO-PP99/170874/G IN RESPECT OF VEHICLE NO-OD05AA3733 ON THE ROUTE FROM OSTARAHAT TO ANGUL VIA- KENDRAPADA, SALIPUR AND BACK IN FAVOUR OF SRI JUBULA KUMAR JETHY.

Heard Sri S.S. Mishra, Advocate for Sri Jubula Kumar Jethy.

Sri Prasanta Kumar Jena owner of vehicle No-OD04G-8684 has lifted PP vide No-SC/SIRP99/01278/2020 on the route from Rajkanika to Bhubaneswar & back valid till- 06.06.2025 in Down Trip Slot No-09 with Pattamundai Departure 03:58hrs towards Bhubaneswar & Up Trip Slot No 97 with Cuttack Departure 12:16hrs towards Rajkanika via- Pattamundai in Cat-A.

Then Sri Jena has filed an application for change of Category from A to B & requested to allot him Slot No-27 in Cat-B with departure Pattamundai-06:19hrs towards Bhubaneswar in Down Trip instead of Slot No-09 with Pattamundai Departure 03:58hrs which was earlier operated by the owner Sri Jubula Jethy owner of vehicle OR04G-8555 on the route from Ostarahat to Angul .

His application was put up & Chairman STA has been allowed the same on 18.10.2022 & accordingly an office order has been issued vide No-14681/TC dated- 21.10.2022. Then Sri Priyabrata Tripathy President Cuttack Private Bus Owners Association filed an objection against the above order & intimated that the Down Trip Slot No-27 has already been occupied by Vehicle No-OD05AA-3733 plying on the route from Ostarahat to Angul & PP has been valid till-31.10.2027. On verification from record it is found that the vehicle No-OR04G-8555 has been replaced by a higher model vehicle No-OR05AH-2555 & later replaced by another higher mode vehicle No-OD05AA-3733 owned by Sri Jubula Kumar Jethy. As per above allegation Chairman STA has been cancelled the Office order vide No-14681/TC dated-21.10.2022.

Then Sri Prasanta Kumar Jena owner of vehicle No-OD04G-8684 has intimated that the owner in respect of OD05AA-3733 has operated his vehicle from Cuttack to Angul instead of granted route from Ostarahat to Angul via- Pattamundai, Cuttack & back

Thereafter Project Director NHAI Bhubaneswar has been requested in this office letter no-981/TC dated-19.01.2023 regarding non operation of vehicle No-OD05AA-3733 on the route from Cuttack to Ostarahat Via- Kendrapara , Chandikhole, Salipur & back .



In response to this letter Project Director NHAI Bhubaneswar in his letter No-387 dated-02.03.2023 has intimated that the above vehicle has not passed through the Project Toll Plaza at Bandalo for the period from 01.11.2021 to 30.11.2022.

As per this report a show cause notice has been issued in this office letter No-5860/TC dated-18.04.2023 to Sri Jethy owner of vehicle No-OD05AA-3733 as to why the granted permit shall not be cancelled for violation of permit condition U/s 86 of MV ACT 1988.

Then he has submitted his show cause reply & admitted that he was not operated his vehicle on the route Ostarahat to Cuttack Via- Kendrapada ,Salipur.

Then STA in its 301st meeting held on 19.07.2023 vide item No-5.3 decided to cancel the application of Sri Prasanta Kumar Jena owner of vehicle No-OD04G-8684 to reconsider the office order No-14681/TC dated-21.10.2022 & also cancelled the PP vide No-PP99/170874/G granted in favour of Sri Jubula Kumar Jethy owner of vehicle No-OD05AA-3733 for non operation of service & also ordered to notify the same in website. According the route has been notified in the website on 25.08.2023.

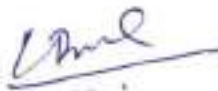
Then Sri jethy has filed an interim application before the Hon'ble S.T.A.T in MV Appeal No-10/2023 & Hon'ble S.T.A.T in order dated-27.09.2023 has directed to OP-1 & 2 to stay the operation of order of cancellation of PP vide No-PP99/170874/G garnted in favour of petitioner/Applicant in the route from Ostarahat to Angul via- Kendrapada , Salipur& back in item No-5.3 of the proceeding of 301st virtual meeting STA Odisha dated-19.07.2023 & subsequent notification dated-25.08.2023 regarding issuance of fresh permit in the aforesaid route till-27.10.2023.

Thereafter the route has again notified on 22.11.2023 & the same has been placed in the 302nd STA meeting held on 24.11.2023 vide item No-6.5 & it has been decided that the matter will be decided unless there is no legal impediments .

This matter is sub-judice. Hence deffered to next STA meeting for decision.

ITEM NO.07:- CANCELLATION OF PERMANENT PERMIT VIDE NO-PP99/170949/G ALONG WITH REPLACEMENT OF HIGHER MODEL VEHICLE NO-OD22W-0797 IN PLACE OF OR01K-0797 ON THE ROUTE FROM BHUBANESWAR TO BANSADAGHAT VIA- BHADRAK & BACK IN FAVOUR OF SRI DILLIP KUMAR NAYAK.

Heard Sri M.B.K Rao, Advocate for Sri Dillip Kumar Nayak.



Sri Dilip Kumar Nayak owner of vehicle No- OR01K-0797 has lifted PP vide No-PP99/170949/G on the route from Bhubaneswar to Bansadaghat via- Bhadrak & back valid till- 06.11.2022 w.e.f 07.11.2017.

Then he has applied for renewal with replacement of higher model vehicle No- OD22W-0797 in place of OR01K-0797 on 22.11.2022 after 15days expiry of PP. On verification from VAHAN it is seen that the vehicle No- OR01K-0797 was kept off road from 01.04.2018 to 28.02.2020(22 months) & from 01.11.2021 to 31.03.2023 (17 months).

His application was processed and Secretary STA has passed an order to issue show cause notice on 03.01.2023 and accordingly show cause notice has issued vide this office letter no-108/TC dated-04.01.2023 & subsequent reminder vide this office letter No-796/TC dated-17.01.2023.

In response to this show cause notice Sri Nayak has submitted show cause reply through learned Advocate & the file has processed to the Secretary STA through legal cell & ordered to place this matter in the STA meeting.

STA in its 300th meeting held on 24.03.2023 vide item No-4.06 decided to reject his application for renewal of PP along with replacement of vehicle and decided to notify the route in the website inviting applications for grant of PP in the interest of commuting public & accordingly the above fact has been communicated to the owner vide letter No-6394/TC dated-29.04.2023.

According to the proceedings of 300th STA meeting the route & timings has notified in the website on 20.05.2023. Thereafter Sri Nayak owner of vehicle No OR01K-0797 has filed writ before the Hon'ble High Court in W.P.(C) No-13919/2023 & Hon'ble High Court in his order dated-25.05.2023 & directed to restrained from taking any action relating to SI.04 of notification of the route in question i.e Bhubaneswar to Bansadaghat via- Bhadrak without leave of this court.

As per notification there are two nos of application received from

1. Smt Anupama Pattanaik owner of vehicle No-OD02CH-9329 on 21.07.2023
2. Sri Hemanta Kumar Padhi owner of vehicle No-OD33AJ-8787 on 28.05.2023

Thereafter, Hon'ble High Court has directed the petitioner if so advised may workout remedy under the statute, interim order dated-25.05.2023 shall operate for a



period of six weeks to enable the petitioner to move the application before the tribunal.

Then the learned Advocate on behalf of the applicant submitted Misc Case No-04 of 2024 order dated-27.08.2024 of Hon'ble S.T.A.T passed an interim order and directed to the OP-1 & 2 not to take any final decisions on the basis of advertisement dated-20.05.2023 relating to Sl.4 in respect of the route in question i.e Bhubaneswar to Bansadaghat via- Bhadrak until further order.

This matter is sub-judice. Hence deferred to next STA meeting for decision.

ITEM NO.08:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT VIDE NO-PP99/170901/G WITH REPLACEMENT OF EXISTING VEHICLE NO.OSP-2494 BY HIGHER MODEL VEHICLE NO.OD25G-4695 ON THE ROUTE ASTARANGA TO BHUBANESWAR 2RT IN FAVOUR OF SRI SATYANARAYAN MAHASUPAKAR.

Sri Satyanarayan Mahasupakar was present. Heard

Permanent Permit PP99/170901/G on the route **Astarang to Bhubaneswar and back 2 RT** has been granted in favour of Sri Satyanarayan Mahasupakar owner of vehicle no. **OSP-2494** valid till 29.10.2022 w.e.f. 30.10.2017. Sri Mahasupakar has filed application for renewal and replacement of vehicle on 23.05.2023 i.e. after seven months expiry of permit.

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

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.

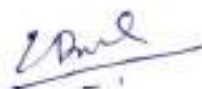
In this regard Hon'ble Supreme Court vide their judgment reported in AIR 1976 SC 2161 held that:

"7. xx xxxx 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 the facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri **Satyanarayan Mahasupakar** owner of vehicle no. **OSP-2494** 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. Application for renewal of permanent permit and replacement of vehicle no OD25G-4695 in place of old vehicle no.OSP-2494 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.09:- CONSIDERATION OF APPLICATION OF SRI DEBADULLAV MOHANTY FOR GRANT OF PERMENENT PERMIT ON THE ROUTE FROM CUTTACK TO ATHAMALLIK VIA- BANARPAL, ANGUL & BACK IN RESPECT OF VEHICLE NO-OD05BT-7878 IN PLACE OF OR05AK-2174.

Sri Debadullav Mohanty owner of vehicle No-OR05AK-2174 has applied for grant of new TP on the route from Cuttack to Athamallik via- Dhenkanal, Angul & back with proposed set of timings & his application was placed in the permit committee meeting held on 01.12.2018 vide SI.No-317 with Up Trip Slot No-12 & Down Trip Slot No-131 against the surrender vacancy of OSRTC vehicle No-OR05F-3577 with orders of Hon'ble High Court W.P.(C) No-7912 of 2018. Then the Chairman STA has granted new TP on 28.05.2019.

Thereafter Sri Debadullav Mohanty owner of vehicle No-OR05AK-2174 has lifted TP vide No-SIRT99/02581/2018 on the route from Cuttack to Athamallik via- Banrapal, Angul & back valid till-23.09.2019.

Then he has applied for conversion of TP to PP on 26.08.2019 & his application was processed through online & Chairman STA has rejected his application on 18.11.2019 on the ground that to apply afresh for consideration of permit after implementation of rationalized timings on the route.

Further his application was placed in the 291st STA meeting held on 19.02.2020 vide item No-2.10 & upon scrutiny it was seen that his vehicle is of 2010 model & completed 10 years then after due deliberation it was decided to reject the application of Sri Debadullav Mohanty owner of vehicle No-OR05AK-2174 and to notify the route in the news paper inviting applications for grant of PP to select



deserving operator for affording opportunity to all intending operators in the interest of equal opportunity & fair play, so that latest model new vehicle will be offered by the prospective applications, which would be beneficial for the public at large. The applicant may compete with other applicants to get the permit on merit.

Then Sri Debadullav Mohanty owner of vehicle No-OR05AK-2174 has filed writ petition before the Hon'ble High Court vide W.P.(C) no-27663 of 2021 & Hon'ble High Court vide order Dt-27.06.2023 directed that " On providing a latest model stage carriage in respect of the route in question, the case of the petitioner shall be considered by the STA as expeditiously as possible, preferably within a period of one month from the date of filing of the application along with requisites in accordance with law".


Now Sri Mohanty has submitted a petition alongwith copy of above order where in he has mentioned to provide a latest model vehicle No.OD05BT-7878 (Make model ASH/2023(Sept)) Regd. On 04.06.2024 with a request to consider his PP on the route from Cuttack to Athamallik via- Banrapal, Angul & back in favour of vehicle No.OD05BT-7878 in place of existing vehicle no- OR05AK-2174.

Considering order passed by Hon'ble High Court in W.P. (C) No. 27663 of 2021, the STA after due deliberation decided to grant permanent stage carriage permit to Sri Debadullav Mohanty owner of vehicle No. OD05BT-7878 on the route **Cuttack to Athamallik via- Banrapal, Angul & back** to perform for a period of five years as Express Service subject to verification of original documents submitted by him. Before issue of permit, tax payment position, audit and e-challan clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration. 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.

ITEM NO.10:- OBJECTION OF SRI JADAB KUMAR SAHOO OWNER OF VEHICLE NO-OR22A-9311 AGAINST SRI PRADEEP KUMAR DAS OWNER OF VEHICLE NO-OD10K-8955 REGARDING CLASH OF TIMINGS.

Heard Sri M.B.K Rao, Advocate for Sri Jadab Kumar Sahu.

Sri Jadab Kumar Sahu owner of vehicle no-OR22A-9311 has lifted PP vide No-SIRP22/00048/2018 on the route from Bodak to Balasore via- Bhadrak & back & Bhadrak to Aradi & back w.e.f 10.09.2023 to 08.09.2028 replaced by higher model vehicle no.OD22M-9311.



Sri Pradeep Kumar Das owner of vehicle no.OD10K-8955 has lifted new TP on the route from Aradi to Bhadrak & Bhadrak to Kupari& back was placed in the permit granting committee meeting held on 15.07.2023 in item no-281 subsequently he has converted his permit from TP to PP w.e.f 17.12.2023 to 16.12.2028 with departure time Aradi on 16:15 towards Bhadrak,10mins ahead of Sri Jadab sahu owner of vehicle no- OD22M-9311 i.e 16:25 towards Bhadrak.

Then Sri Jadab Sahu has filed a writ petition before the Hon'ble High Court, Orissa vide W.P.(C) No.24144/2023 and Hon'ble High Court, Orissa vide order dated 11.10.2023 has disposed the Writ petition with a direction that " in the event the petitioner moves an application detailing his objection with regard to timing of Departure in respect of any intermediary stoppage including Aradi within a week hence, the same shall be considered by the State Transport Authority in accordance with law within a period of four weeks thereafter, giving opportunity of hearing to the parties concerned , Keeping in mind the decision taken at Sl.281 of the meeting of State Transport Authority held on 15.07.2023."

Adv. M.B.K. Rao submitted that Jadab Kumar Sahu is no more and the P.P. granted in his name has been transferred to the name of his son Rohit Sahoo. He submitted that the present permit holder does not have any objection regarding timing granted to Pradeep Kumar Das. The matter is accordingly closed.

ITEM NO.11:- CANCELLATION OF PERMANENT PERMIT VIDE NO-SC/SIRP/00172/2023 ON THE ROUTE FROM KALIMELA TO GUNUPUR & BACK IN RESPECT OF VEHICLE NO-OD10U-7077 IN FAVOUR OF FIROZ TURUK.

The applicant Mr Firoj Turuk was present.

Permanent Permit no.SC/SIRP/00172/2023 has been granted to MR FIROZ KUMAR TURUK in respect of vehicle no.OD10U-7077 on the route Kalimela to Gunupur& back which is valid till- 05.01.2028 w.e.f. 05.01.2023.

Sri Santosh Kumar Gauda owner of vehicle no- OD10P-3838 has submitted petition on 19.12.2023 against vehicle no.OD10U-7077 for cancellation of permit granted to Sri Turuk owner of vehicle no. OD10U-7077 which was registered before the RTO, Koraput on the basis of fake and fabricated documents.

As per the report of RTO Koraput, Secretary STA has issued show cause to Mr.Firoz Kumar Turuk vide this letter No-19103/TC dated-21.12.2023 as to why PP shall not be cancelled for fraud and misrepresentation of fact. In response to this notice, MR.Turuk has submitted his show cause reply on 06.01.2024 & intimated that



after verification of MV documents & NOC issued from Arunanchal Pradesh he has purchased & registered his vehicle at RTO Koraput .The RTO Koraput has already cancelled the RC in respect of vehicle No- OD10U-7077 on 12.03.2024 & As per report of RTO Koraput , this authority has already blocked this vehicle No- OD10U-7077 in VAHAN portal.

STA after due deliberation decided to cancel the P.P. under Section 86 (1) (c) of M.V. Act, 1988 vide no. SC/SIRP/00172/2023 on the route Kalimela to Gunupur and back valid till 05.01.2028 w.e.f 05.01.2023 in favour of Mr. Firoj Turuk as the registration certificate has already been cancelled by RTO, Koraput and 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.12:- APPLICATION OF SRI DEBASISH PATRA FOR REPLACEMENT OF EXISTING VEHICLE NO-OR05AD-9192 BY HIGHER MODEL VEHICLE NO-OD05S-9192 ON THE ROUTE FROM BHUBANESWAR TO MARANDA VIA-CHANDIKHOLE,GHATAGAON, KARANJIA & BACK.

Advocate Shri M.B.K Rao appeared on behalf of Sri Debasish Patra owner of vehicle no- OR05AD-9192.Heard.

Permanent Permit PP99/150324/G on the route Bhubaneswar to Maranda via- Chandikhole, Ghatagaon, Karanjia and back has been granted in favour of Sri Debasish Patra owner of vehicle no. OR05AD-9192 valid till 18.07.2025. Sri Patra has filed application for replacement of vehicle on 07.02.2024 through online.

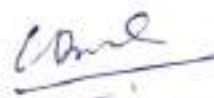
From VAHAN it reveals that the vehicle No. OR05AD-9192 was kept off road from 01.11.2021 to 31.01.2024 (Twenty Seven months) during validity of permit excluding Covid grace period.

Total period of off road of vehicle of Sri Patra is two years & 03 months and Show cause was issued vide letter No-2508/TC dated-13.02.2024.

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 kept off road did not operate on the given route for two years 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 **Bhubaneswar to Maranda via- Chandikhole, Ghatagaon, Karanjia and 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 two year and three months. 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 two 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 of Sri Debasish Patra, owner of vehicle no. **OR05AD-9192** on the route **Bhubaneswar to Maranda via- Chandikhole, Ghatagaon, Karanjia and**



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.

ITEM NO.13:- CANCELLATION OF PERMANENT PERMIT VIDE NO-SC/SIRP99/01817/2018 ON THE ROUTE FROM JEYPORE TO ORKEL VIA-GOVINDAPALI, KHAIRAPUT & BACK IN RESPECT OF VEHICLE NO-OD10U-2815 IN FAVOUR OF SRI SUDIP PANDA.

Permanent Permit no.SC/SIRP99/01817/2018 has been granted to Sri Sudip Kumar Panda in respect of vehicle no.OD10U-2815 on the route Jeypore to Orkel via- Govindapali, Khairaput& back which is valid till- 29.07.2028 w.e.f. 31.07.2023.

Sri Ashok Kumar Ray owner of vehicle no- OD10D-6336 has submitted petition on 12.12.2023 against vehicle no. OD10U-2815 for cancellation of permit granted to Sri Panda owner of vehicle no. OD10U-2815 which was registered before the RTO, Koraput on the basis of fake and fabricated documents.

As per the report of RTO Koraput, Secretary STA has issued show cause to Sri Sudip Kumar Panda vide this letter No-19398/TC dated-28.12.2023 as to why PP shall not be cancelled for fraud and misrepresentation of fact. In response to this notice, Sri Panda has submitted his show cause reply on 11.01.2024. The RTO, Koraput has already cancelled the RC in respect of vehicle No- OD10U-2815 on 12.03.2024 & As per report of RTO Koraput , this authority has already blocked this vehicle No- OD10U-2815 in VAHAN portal.

STA after due deliberation decided to cancel the P.P. under Section 86 (1) (c) of M.V. Act, 1988 vide no. SC/SIRP99/01817/2018 on the route Jeypore to Orkel via- Govindapali, Khairaput & back valid till 29.07.2028 w.e.f 31.07.2023 in favour of Sri Sudip Kumar Panda as the registration certificate has already been cancelled by RTO, Koraput and 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.14:- CANCELLATION OF PERMANENT PERMIT VIDE NO-PP99/120700/G ON THE ROUTE FROM UDALA TO BETANOTI, BETANOTI TO BARIPADA, BARIPADA TO BALASORE & BACK IN RESPECT OF VEHICLE NO-OD11C-8395 IN FAVOUR OF SRI PRABIR CHANDRA SAHU.

Heard Adv. H.P Mohanty on behalf of Sri Prabir Chandra Sahu.

Permanent Permit no.PP99/120700/G has been granted to Sri Prabir Chandra Sahu in respect of vehicle no.OD11C-8395 on the route Udala to Betanoti, Betanoti



to Baripada , Baripada to Balasore & back which is valid till- 27.02.2028 w.e.f. 28.02.2023.

Sri Jayanta Kumar Singh, Sarapanch of Nadapur Gram Panchayat and Smt. Minati Singh, Sarapancha of Agria Gram Panchayat have submitted an allegation petition against the vehicle no.OD11C-8395 before the Secretary STA in public grievance cell meeting held on 03.10.2023 that above vehicle is plying via Rangapani Chhak instead of Nadapur, Haripur, Agria.

As per allegation, RTO Mayurbhanj has been requested vide this office letter no. 15252/TC dated 06.10.2023 to enquiry into the matter and submit a detail report to this office.

In response to this letter RTO Mayurbhanj has submitted his enquiry report vide his letter no.7056/RTA dated-29.11.2023 and intimated that the vehicle no. OD11C-8395 is plying from Manitri to Betanoti via- Dalki instead of via-Nadapur & Agria.

Adv. Sri Ramasish Acharya has filed intervener petition on behalf of Sri Rajveer Prasad Saha. The Adv. for the opposite party Sri H.P Mohanty has stated that he has not received the copy of the intervener petition. Hence he prayed for time to file reply for intervener petition after receipt of the same.

Hence it was decided to defer the matter to the next STA meeting with direction to the Adv. of intervener to supply the copy of the petition to the Adv. of objector as well as to opposite party.

ITEM NO.15:- APPLICATION OF SRI JITENDRA KUMAR SAHU FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE FROM KATINGIA TO BERHAMPUR VIA- TAPTAPANI, PUDAMARI & BACK IN RESPECT OF VEHICLE NO-OR07V-9181 .

Adv. Sri M.B.K Rao on behalf of Sri Jitendra Kumar Sahu, owner of vehicle no. **OR07V-9181** was present.

Permanent Permit SC/SIRP99/00783/2019 on the route Katingia to Berhampur, via- Taptapani, Pudamari and back was granted in favour of Sri Jitendra Kumar Sahu owner of vehicle No. OR07V-9181 valid till 03.05.2024 . Sri Sahu has filed application for renewal of permit on 11.04.2024 through online i.e. 22 days before expiry of permit.



From VAHAN it reveals that the vehicle No. OR07V-9181 was kept off road from 01.11.2021 to 28.02.2022 (4 months), 01.04.2022 to 31.11.2022 (8 months) & 01.08.2023 to 31.12.2023 (5 months) during validity of permit excluding covid period and show cause notice was issued vide this office letter no. 6276/TC, dt. 29.04.2024 in view of 291st STA resolution as to why granted P.P shall not be cancelled for violation of permit condition U/s 86 of MV Act 1988. In response to this notice Sri Sahu has submitted show cause reply on 03.05.2024 and intimated that due to body building work he has kept his vehicle off road in different spells mentioned above.

The applicant admitted that his vehicle has not operated on the given route from 01.11.2021 to 28.02.2022 (4 months), 01.04.2022 to 31.11.2022 (8 months) & 01.08.2023 to 31.12.2023 (5 months), total off road period is 17 months causing inconvenience to travelling public.

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.”

Under the statute, it is the STA to look after the convenience of travelling public commuting from Katingia to Berhampur, via- Taptapani, Pudamari and 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 Jitendra Kumar Sahu has been considered.

It is not disputed that his vehicle was kept off road and the operator did not operate on 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 for more than one year 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 Jitendra Kumar Sahu owner of vehicle No.OR07V-9181.

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.16:- APPLICATION OF SRI NIHAR RANJAN SWAIN FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE FROM PURI TO CUTTACK VIA-CHARI CHHAK, NIALI & BACK IN RESPECT OF VEHICLE NO-OR22B-5930 .

Permanent Permit SC/SIRP99/00417/2019on the route Puri to Cuttack, via-Charichhak, Nialai and back was granted in favour of Sri Nihar Ranjan Swain owner of vehicle No.OR22B-5930valid till 04.05.2024. Sri Swain has filed application for renewal of permit on 02.07.2024 through online i.e. two months after expiry of permit.

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.

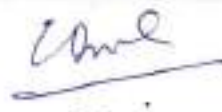
In this regard Hon'ble Supreme Court vide their judgment reported in AIR 1976 SC 2161 held that:

"7. xx xxxx *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 the facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Nihar Ranjan Swain, owner of vehicle No.**OR22B-5930** i.e. 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. 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.17:- CONSIDERATION OF APPLICATION OF SRI P.ANIL KUMAR FOR RENEWAL OF PERMENENT PERMIT ON THE ROUTE FROM BERHAMPUR TO PHULBANI VIA- BHANJANAGAR & BACK IN RESPECT OF HIGHER MODEL VEHICLE NO-OR07X-9922 IN PLACE OF OR12B-2088.

Permanent Permit PP99/150086/Gon the route Berhampur to Phulbani, via- Bhanjanagar and back was granted in favour of Sri P. Anil Kumar owner of vehicle No. OR12B-2088 valid till 24.02.2020. Sri Kumar has filed application for renewal of permit on 06.11.2021 through online i.e. after One year Seven months & twelve days after expiry of permit.

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 xxxx *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 the facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri P. Anil Kumar, owner of vehicle No. OR12B-2088 i.e. 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. Application for renewal of permanent permit is rejected and application of replacement of higher model vehicle no.OR07X-9922 in place of existing vehicle no.OR12B-2088 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.18:- CONSIDERATION OF APPLICATION FOR GRANT OF NEW TEMPORARY PERMIT ON THE ROUTE KANTAMAL TO AINTHAPALI VIA-BINIKA, TURUM & BACK IN RESPECT OF VEHICLE NO.OD31E-8399 IN FAVOUR SRI PRADYUMNA KUMAR HOTA.

Permanent Permit PP99/171048/G on the route Kantamal to Sambalpur, via-Sonepur, Burla and back was granted in favour of Sri Pradyumna Kumar Hota owner of vehicle No. OD31E-8399 valid till 06.11.2022 w.e.f. 07.11.2027. Sri Hota has filed application for renewal of permit on 19.08.2023 through online i.e. after 9 months of expiry of permit.

Accordingly show cause notice has been issued vide this office letter No.15600/TC dtd.12.10.2023 as to why the granted P.P. shall not be cancelled for violation of Section 81(ii)(iii) of MV Act 1988. In response to this notice Sri Hota has submitted show cause reply on 16.10.2023 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 xxxx 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 the facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Pradyumna Kumar Hota, owner of vehicle No. OD31E-8399 i.e. 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. 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.19:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE DHUNKAPADA TO BHUBANESWAR & BACK IN RESPECT OF VEHICLE NO.OR02AV-4273 IN FAVOUR SRI PRAMOD KUMAR JENA.

Adv. Sri S.S. Mishra on behalf of Sri Pramod Kumar Jena was present.

Permanent Permit PP99/140419/G on the route Dhunkapada to Bhubaneswar and back was granted in favour of Sri Pramod Kumar Jena owner of vehicle No.OR02AV-4273 valid till 24.06.2024 w.e.f. 26.06.2019. Sri Jena has filed application for renewal of permit on 28.05.2024 through online i.e. one month before expiry of permit.

From VAHAN it is revealed that the vehicle No. OR02AV-42 was kept off road from 01.11.2021 to 31.10.2022 (12 months) and 01.04.2023 to 30.09.2023 (06 months) during validity of permit excluding covid period and show cause notice was issued vide this office letter no. 10947/TC, dt. 26.07.2024 in view of 291st STA resolution as to why granted P.P shall not be cancelled for violation of permit condition U/s 86 of MV Act 1988. In response to this notice Sri Jena has submitted show cause reply on 05.07.2024 and intimated that due to body repairing work he has kept his vehicle off road. Total period of off road of vehicle of Sri Jena is 18 months.



The applicant admitted that his vehicle has not operated on the given route from 01.11.2021 to 31.10.2022 (12 months) and 01.04.2023 to 30.09.2023 (06 months) causing inconvenience to travelling public.

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:

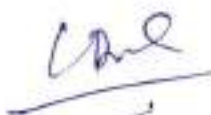
(i) Where the vehicle for which permanent stage carriage permit was issued in a route / routes had been declared off road for a period of one year during currency of permit in different spells, renewal of such permit shall not be considered. Besides steps will also be taken for cancellation of permit 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 kept off road and did not operate on 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.

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 Pramod Kumar Jena has been considered.

It is not disputed that his vehicle was kept off road and did not operate on the given route for more than one year and six months 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.

Considering the facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Pramod Kumar Jena owner of vehicle No.OR02AV-4273.

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.20:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE CUTTACK TO GUNUPUR & BACK IN RESPECT OF VEHICLE NO.OD33AA-8488 IN FAVOUR SRI PRATAP CHANDRA MOHAPATRA.

Permanent Permit PP99/180103/G on the route Cuttack to Gunupur and back was granted in favour of Sri Pratap Chandra Mohapatra owner of vehicle No. OD33AA-8488 valid till 21.03.2023 w.e.f. 22.03.2018. Sri Mohapatra has filed application for renewal of permit on 17.04.2023 through online i.e. after 27 days expiry of permit.

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 xxxx *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 the facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Pratap Chandra Mohapatra, owner of vehicle No. OD33AA-8488 i.e.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. 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.21:- TO ROURKELA VIA-PALLAHARA,BARKOTE & BACK IN RESPECT OF VEHICLE NO.OD14B-3074 IN FAVOUR SRI SUSHANTA KUMAR SWAIN. CONSIDERATION OF APPLICATION FOR CONVERSION OF TP TO PP ON THE ROUTE ANGUL

Temporary Permit no.SIRT99/01570 has been granted to Sri Sushanta Kumar Swain in respect of vehicle no.OD14B-3074 on the route Angul to Rourkela via-Pallahara, Barkote& back which was valid till 18.12.2023 w.e.f. 21.08.2023.

Sri Swain has applied for conversion of TP to PP for 5 years on 12.12.2023 through online.

On verification from VAHAN database it is seen that the vehicle no. OD14B-3074 was kept off road w.e.f 01.09.2023 to 30.11.2023 (3 months) during TP period and show cause notice was issued vide letter no-244/TC dt- 06.01.2024 as to why his application for TP to PP shall not be rejected in view of non operation of his vehicle during TP period. In response to the above notice Sri Swain has submitted show cause reply on dt.02.05.2024 & intimated that due to body repairing work he was kept his vehicle off road.

Considering submission made by learned Advocate for the applicant, it was decided to grant one more temporary permit to Sri Sushanta Kumar Swain in respect of vehicle no.OD14B-3074 on the route Angul to Rourkela via-Pallahara, Barkote & back and existing timing. The applicant shall ensure to ply his vehicle in the given route regularly.

ITEM NO.22:- APPLICATION OF SRI KASHINATH MAHALA FOR REPLACEMENT OF EXISTING VEHICLE NO-OR05AS-9195 BY HIGHER MODEL VEHICLE NO-OD05R-9192 ON THE ROUTE FROM MANDA TO BHUBANESWAR VIA- KARANJIA, THAKURMUNDA & BACK.

Advocate Sri M.B.K. Rao appeared on behalf of Sri Kashinath Mahala owner of vehicle no-OR05AS-9195.

The advocate has stated that he has filed application for surrender of permit. STA after due deliberation has decided to cancel the P.P. so surrendered and notify



the route in the website inviting applications for grant of permanent stage carriage permit.

ITEM NO.23:- CONSIDERATION OF APPLICATION FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE PURAN TO CUTTACK, CUTTACK TO KAKATPUR & BACK IN RESPECT OF VEHICLE NO.OR05AD-1482 IN FAVOUR SRI SWADHIN CHETA MOHANTY.

The applicant was present.

Permanent Permit PP99/140478/G on the route Puran to Cuttack, Cuttack to Kakatpur and back was granted in favour of Sri Swadhincheta Mohanty owner of vehicle No.OR05AD-1482 valid till 10.07.2024 w.e.f. 12.07.2019. Sri Mohanty has filed application for renewal of permit on 05.07.2024 through online i.e. 05 days before expiry of permit.

From VAHAN it is revealed that the vehicle No. OR05AD-1482 was kept off road from 01.11.2021 to 31.01.2024 (27 months) during validity of permit excluding covid period and show cause notice was issued vide this office letter no. 10881/TC, dt. 25.07.2024 in view of 291st STA resolution as to why granted P.P shall not be cancelled for violation of permit condition U/s 86 of MV Act 1988. In response to this notice Sri Jena has submitted show cause reply on 31.07.2024 and intimated that due to financial condition he kept the vehicle off road. Total period of off road of vehicle of Sri Mohanty is 27 months.

The applicant admitted that his vehicle has not operated on the given route from 01.11.2021 to 31.01.2024 (27 months) causing inconvenience to travelling public.

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.

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 Swadhincheta Mohanty has been considered.


It is not disputed that his vehicle was off road and did not operate on the given route for two years 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 the facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Swadhincheta Mohanty owner of vehicle No.OR05AD-1482.

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.24:- APPLICATION OF SRI CHITRASEN NAYAK FOR REPLACEMENT OF EXISTING VEHICLE NO-OR22B-6405 BY HIGHER MODEL VEHICLE NO-OD02CS-2131 ON THE ROUTE FROM KANCHANA TO BURLA VIA- PHULBANI , CHARI CHHAK & BACK.

The applicant was absent.



Permanent Permit SC/SIRP99/00005/2021 on the route Kanchana to Burla, via-Phulbani, Chari Chhak and back has been granted in favour of Sri Chitrasen Nayak owner of vehicle no. OR22B-6405 valid till 06.01.2026. Sri Nayak has filed application for replacement of vehicle on 07.02.2024.

From VAHAN it is revealed that the vehicle No. OR22B-6405 was kept off road from 01.11.2021 to 30.11.2021 (ONE month) and 01.02.2022 to 31.01.2024 (23 months) during validity of permit excluding Covid grace period.

Total period of off road of vehicle of Sri Nayak is 24 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 one year and eleven 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 Kanchana to Burla, via-Phulbani, Chari Chhak and 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 two years. 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 two years 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 on 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 of Sri Chitrasen Nayak, owner of vehicle no.OR22B-6405 on the route Kanchana to Burla, via-Phulbani, Chari Chhak and 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.

ITEM NO.25:- APPLICATION OF SRI BANKA BIHARI DAS FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE FROM BALURIA TO CUTTACK VIA-BARI, CHANDIKHOLE & BACK IN RESPECT OF VEHICLE NO-OR07R-2444.

Advocate H.P. Mohanty on behalf of the applicant was present.

Permanent Permit SC/SIRP99/02003/2019 on the route Baluria to Cuttack, via-Bari, Chandikhole and back was granted in favour of Sri Banka Bihari Das owner of vehicle No.OR07R-2444 valid till 29.09.2024 w.e.f. 30.09.2019. Sri Das has filed application for renewal of permit on 28.08.2024 through online i.e. one month before expiry of permit.

From VAHAN it is revealed that the vehicle No. OR07R-2444 was kept off road from 01.11.2021 to 30.06.2023 (20 months) and 01.01.2024 to 31.07.2024 (07 months) during validity of permit excluding covid grace period and show cause notice was issued vide this office letter no. 9156/TC, dt. 21.06.2023 in view of 291st STA resolution as to why granted P.P shall not be cancelled for violation of permit condition U/s 86 of MV Act 1988. Total period of off road of vehicle of Sri Das is 27 months.



The applicant admitted that his vehicle has not been operated on the given route from 01.11.2021 to 30.06.2023 (20 months) and 01.01.2024 to 31.07.2024 (07 months) causing inconvenience to travelling public.

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 off road did not operate on the given route for two years and three months 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.

The permit holder did not operate his vehicle for two years 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 on the given route for two years and three months 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 mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Banka Bihari Das owner of vehicle No.OR07R-2444.



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.26:- CANCELLATION OF PERMANENT PERMIT ON THE ROUTE FROM BARIPADA TO JAJPUR ROAD & BACK IN RESPECT OF VEHICLE NO.OD11E-0808 ISSUED IN FAVOUR OF SRI ANURAG DAS.

Permanent Permit no.SC/SIRP99/05115/2022 has been granted to Sri Anurag Das in respect of vehicle No.OD11E-0808 on the route Baripada to Jajpur Road & back which is valid till 30.11.2027 w.e.f. 30.11.2022.

Jyotirmayee Behera has filed a objection petition against the vehicle no-OD11J-1875 and OD11E-0808 plying on the route from Baripada to Jajpur Road valid till 30.11.2027 as an alter service, before the ACT (Enf) regarding violation of permit timings. Basing on the grievance petition, ACT (Enf) has requested to RTO Mayurbhanj vide this office letter no-10251/TC dated-13.07.2023 to check and submit a detail report. In response to the above letter the RTO, Mayurbhanj has entrusted the Jr.MVI to enquiry the fact. After enquiry the Jr.MVI has issued e-Challan against the vehicle no-OD11E-0808 U/s 192(A) for violation of permit condition and submitted a copy of report along with copy of e-Challan to the ACT (Enf) vide their letter No-4762/RTA dated-24.07.2023.

ACT (Enf) has submitted an extract copy of above report along with his views before Secretary, STA & requested since the vehicles are plying in violation of permit condition, action as deemed proper may be taken.

Show cause notice was issued to the permit holder for operating his vehicle violating permit conditions vide this office letter No.13899/TC dated 14.09.2023.

In response to the above show cause notice, the learned Adv. on behalf of Sri Anurag Das owner of vehicle no-OD11E-0808 has submitted his reply on 03.11.2023.

In the mean time Sri Anurag Das owner of vehicle No.OD11E-0808 has applied for transfer of PP No.SC/SIRP99/05115/2022 along with replacement of vehicle no-OD11E-0808 by a higher model vehicle No-OD11AD-1233 to his mother Smt. Bidyut Priya Das before the Secretary, STA & the same has been allowed by the Secretary STA on 18.07.2024 after joint hearing in MV Misc Case No-97/2024.



Since PP No.SC/SIRP99/05115/2022 has been transferred from the name of Anurag Das to the name of Smt. Bidyut Priya Das, the present proceeding is dropped being infructuous.

ITEM NO.27:- APPLICATION FOR SURRENDER OF PERMANENT PERMIT ISSUED IN RESPECT OF VEHICLE OD02CK-4621 IN FAVOUR OF JITENDRA KUMAR APATA.

Permanent Permit vide No-SC/SIRP99/05451/2022 on the route Bhanjanagar to Cuttack Via- Rajpatna,Itamati& back w.e.f. 18.11.2022 to 18.11.2027 issued in respect of vehicle no.OD02CK-4621 owned by Sri Jitendra Kumar Apata.

The authorized signatory, Cholamandalam Investment and Finance Company Ltd, Dare House,2 N.S.C,Bose Road, Parrys Chennai-6001 001 has forwarded a copy of surrender application manually on 23.02.2024 & intimated that Sri Apata owner of vehicle no. OD02CK-4621 would not able to repay the EMI and become defaulter, then the vehicle was seized and sold to Sri Sagar Kumar S/o-Tirupati Prasad, Khandagiri, Khurdha.

Notice to show cause has been issued to Sri Jitendra Kumar Apata vide this office letter No.4527/TC dated-20.03.2024 as to why the above PP shall not be cancelled as the vehicle covered under the permanent permit has been sold to another person by the financier.

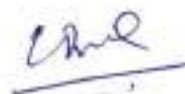
Since the permit holder ceases to own the vehicle covered under the permit, Permanent Permit No-SC/SIRP99/05451/2022 on the route Bhanjanagar to Cuttack Via- Rajpatna, Itamati is cancelled under Section 86 (1) (c) of M.V. Act, 1988.

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

ITEM NO.29:- APPLICATION OF ASST. MANAGER(DEPOT), OSRTC SAMBALPUR FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE FROM BURLA TO BERHAMPUR VIA- SAMBALPUR, PHULBANI, ASKA & BACK IN RESPECT OF VEHICLE NO-OD02AK-8119.

DTM(A), OSRTC, Sambalpur was present.

Permanent Permit PP99/170405/G on the route Burla to Berhampur, via- Sambalpur, Phulbani, Aska and back has been granted in favour of CMD, OSRTC owner of vehicle no. OD02AK-8119 valid till 06.07.2022 w.e.f. 07.07.2017. DTM(A), OSRTC, Sambalpur has filed application for renewal of permit on 30.11.2023 i.e. after 16 months of expiry of permit.



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 xxxx 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 the facts and circumstances mentioned above, after due deliberation, STA has decided to reject application for renewal of permanent permit filed by DTM(A), OSRTC, Sambalpur owner of vehicle no. OD02AK-8119 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.

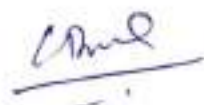
It was decided to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.30:- APPLICATION OF DTM, OSRTC SAMBALPUR FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE FROM SAMBALPUR TO CUTTACK & BACK IN RESPECT OF VEHICLE NO-OD15S-7522 IN PLACE OF OR15R-2124

DTM(A), OSRTC, Sambalpur was present.

Permanent Permit PP99/130572/G on the route Sambalpur to Cuttack and back has been granted in favour of CMD, OSRTC owner of vehicle no. OR15R-2124 replaced by higher model vehicle OD15S-7522 valid till 15.07.2023 w.e.f. 15.07.2018. DTM(A), OSRTC, Sambalpur has filed application for renewal of permit on 09.07.2023 i.e. before 06 days expiry of permit.

From VAHAN it is revealed that the vehicle No. OR15R-2124 was kept off road from 01.05.2019 to 31.10.2019 (06 months), 01.01.2022 to 31.12.2022(12 months) and 01.02.2023 to 31.05.2023 (04 months) during validity of permit excluding covid grace period and show cause notice was issued vide this office letter no. 469/TC, dt. 10.01.2024 in view of 291st STA resolution as to why granted P.P



shall not be cancelled for violation of permit condition U/s 86 of MV Act 1988. Total off road period is 22 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 one year and ten months causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus for one year and ten months as required under rule 75 (3) of OMV Rules, 1993.

The permit holder did not operate his vehicle for one year and ten 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 one year and ten months 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 mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by DTM(A), OSRTC, Sambalpur owner of vehicle No. OR15R-2124.



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.31:- APPLICATION OF ATM(A),OSRTC JEYPORE FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE FROM BHAWANIPATNA TO MOTU & BACK IN RESPECT OF VEHICLE NO-OD02H-2174

ATM(A), OSRTC, Jeypore was present.

Permanent Permit PP99/140301/G on the route Bhawanipatna to Motu and back has been granted in favour of CMD, OSRTC owner of vehicle no. OD02H-2174 valid till 06.05.2024 w.e.f. 08.05.2019. ATM(A), OSRTC, Jeypore has filed application for renewal of permit on 01.06.2024 i.e. after 25 days expiry of permit.

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 xxxx *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 any 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 the facts and circumstances mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by ATM(A), OSRTC, Jeypore owner of vehicle no. OD02H2174 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.

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.32:- APPLICATION OF ATM(A),OSRTC JEYPORE FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE FROM JEYPORE TO MOTU & BACK IN RESPECT OF VEHICLE NO-OD02H-2170

ATM(A), OSRTC, Jeypore was present.

Permanent Permit PP99/130950/G on the route Jeypore to Motu and back has been granted in favour of CMD, OSRTC owner of vehicle no. OR02H-2170 valid till 19.12.2023 w.e.f. 20.12.2018. ATM(A), OSRTC, Jeypore has filed application for renewal of permit on 30.10.2023 i.e. before one month and 19 days expiry of permit.

From VAHAN it is revealed that the vehicle No. OR02H-2170 was kept off road from 01.01.2022 to 31.03.2023 (15 months) during validity of permit excluding covid grace period. Total off road period is 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 kept off road and did not operate on 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 for one year and three months as required under rule 75 (3) of OMV Rules, 1993.

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 one year and three months 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 mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by ATM(A), OSRTC, Jeypore owner of vehicle No. OD02H-2170.

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.33:- APPLICATION OF SRI PRABINA KUMAR CHHUALSINGH FOR RENEWAL OF PERMANENT PERMIT ON THE ROUTE FROM CUTTACK TO M.RAMPUR VIA- KALINGA,TIKABALI & BACK IN RESPECT OF VEHICLE NO-OR05AU-9192 .

Advocate M.B.K. Rao on behalf of Sri Prabina Kumar Chhualsingh was present.

Permanent Permit SC/SIRP99/01487/2019 on the route Cuttack to M. Rampur, via-Kalinga, Tikabali and back has been granted in favour of Sri Prabina Kumar Chhualsingh owner of vehicle no. OR05AU-9192 valid till 09.07.2024 w.e.f. 10.07.2019. Sri Chhualsingh has filed application for renewal of permit on 12.06.2024 i.e. before one month expiry of permit.

From VAHAN it is revealed that the vehicle No. OR05AU-9192 was kept off road from 01.05.2023 to 31.05.2024 (13 months) during validity of permit excluding covid grace period. Total off road period is 13 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:



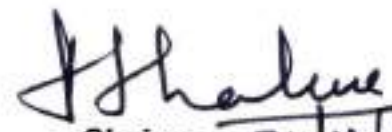
(i) Where the vehicle for which permanent stage carriage permit was issued in a route / routes had been declared off road for a period of one year during currency of permit in different spells, renewal of such permit shall not be considered. Besides steps will also be taken for cancellation of permit 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 kept off road and did not operate on 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 for one year and one month as required under rule 75 (3) of OMV Rules, 1993.

The permit holder did not operate his vehicle for one year and one month 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 one year and one month 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 mentioned above, after due deliberation, STA decided to reject application for renewal of permanent permit filed by Sri Chhualsingh owner of vehicle No. OR05AU-9192.

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


Chairman 24/12/2024
STA, Odisha, Cuttack

Memo No. 19116 /TC.

Dt. 24.12.2024

Copy to all members of STA / all RTOs for information and necessary action.


Secretary 24/12/24
STA, Odisha, Cuttack