

**PROCEEDINGS OF THE 294th VIRTUAL MEETING OF STA, ODISHA
HELD ON 17.08.2021 THROUGH VIDEO CONFERCING.**

MEMBERS PRESENT:

- | | | |
|----|---|------------------|
| 1. | Shri Arun Bothra, I.P.S.
Transport Commissioner-Cum-Chairman,
STA, Odisha, Cuttack. | Chairman |
| 2. | Shri Soumit Mitra. | Member |
| 3. | Shri Brajabandhu Bhol, OAS(SAG)
Secretary, STA, Odisha, Cuttack. | Member-Secretary |
| 4. | Shri Kishore Chandra Das, OAS(SAG),
Joint Secretary to Govt.,
C & T (Tr.) Dept., Odisha, Bhubaneswar. | Member |

At the outset the Chairman, STA welcomed all the members of the STA to the 294th virtual meeting of STA.

The proceeding of the 293rd virtual meeting of State Transport Authority held on 14.12.2020 circulated among all the members vide this office letter No.1149/TC dated 28.01.2021 is confirmed as no objections received.

Action taken by the Chairman, STA, Secretary, STA and Deputy Secretary, STA for the period from 14.12.2020 to 16.08.2021 are approved.

ITEM No.01: DECISION ON POLICY MATTERS:-

1:1.- Cancellation of Permanent Permit-

In 291st meeting of STA held on 19.02.2020 vide item No.1.11 (c) it was decided that "for interstate routes after issue of permit, the permit holder will be given ninety days time to get the permit countersigned from Reciprocating State. In case the permits not countersigned by STA of Reciprocating State on application made by grantee for some reason or other, the grantee will intimate the STA regarding non-grant of countersignature and further action will be taken by STA. In case the grantee failed to get the permit countersigned or to intimate STA the reason for which it was not countersigned within the period stipulated as mentioned above, the file will be put up for cancellation of permit by STA."

Due to situation arising out of COVID-19 pandemic in the entire country, interstate stage carriage operators faced difficulties in getting the permits countersigned by the reciprocating States within the stipulated period.



Considering difficulties faced by interstate stage carriage operators, in relaxation of decision taken by STA in 291st STA meeting as above, after due deliberation, **“it was decided that stage carriage permits issued by STA on interstate routes which is valid from 01.02.2020 onwards, the permit holder will be given time up to 31.10.2021 to get the permit countersigned from the reciprocating State.”**

1.2 RENEWAL / CANCELLATION OF STAGE CARRIAGE PERMIT.

In 291st STA meeting held on 19.02.2020 following decision was taken.

“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. xx xx xx”.

All Odisha Bus Owners Association has filed representation to exclusive the period of non-operation / off road of stage carriages while computing off road period of one year for the purpose of renewal of permit.

Considering grievance of All Odisha Bus Owners Association, order No.5221/TC dated 05.05.2021 was issued by Chairman, STA in which it was clarified that:

“Due to situation arising out of COVID-19 in the country and in the Odisha, Government of India, Government of Odisha and other State Governments restricted plying of stage carriages to prevent transmission of infection. For such reason, owners of stage carriages could not operate their buses for which they have declared their vehicles off road from March to December, 2020.



Taking into account difficulties faced by stage carriage owners during above period, it is ordered while considering renewal / cancellation of permanent stage carriage permit, period of off road from March – December, 2020 shall be excluded while computing total off road period."

The above order dated 05.05.2021 issued by Chairman is approved.

Due to second wave of COVID – 19 and restriction imposed by State Government / local authorities, plying of bus service was disrupted.

In view of above, after due deliberation, it was decided that in case a stage carriage covered under permanent permit could not operate or declared off road during March, 2020 to 31.10.2021, such period shall be excluded while computing total off road period of one year during validity of permit as decided in the 291st STA meeting for the purpose of renewal of permit.

1.3 TRANSFER OF PERMIT DUE TO DEATH IN COVID-19.

All Odisha Bus Owners Association has put forth their demand that bus owners who died in COVID-19, permit held by him may be allowed to third party.

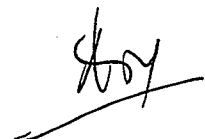
The STA in its 279th meeting decided that :-

(i) In cases where the permit holder is suffering from terminal disease that cannot be cured or adequately treated and i.e. reasonably expected to result in the death of the patient within a short period of time the disease such cancer or advanced heart disease or being physically handicapped above 80% supported by certificate issued by the medical board and unable to operate the bus / buses on given route/routes.

(ii) In cases where the permit holder dies and his/her successor unable to operate the bus/buses on given route/routes.

In respect of transfer of permanent stage carriage permit is covered under clause (i) above, the permit holder shall produce Medical Certificate in original to establish the fact that the permit holder is suffering from Cancer. He / she shall file self declaration stating that he is unable to manage the bus services for which permit / permits held by him / her. No tax / penalty / certificate case / audit dues pending in respect of all buses owned by him / her. To this effect clearance from concerned RTO is necessary. The permit holder shall transfer all stage carriage permanent


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permits held by him / her and no permit should be retained by him / her. In case the permit holder wants to transfer one permit or more permits, he / she shall have to surrender remaining permits before the STA / RTA, as the case may be, which will be cancelled and notified in the news paper inviting applications for grant of permanent stage carriage permit to deserving operator who can provide better service to the travelling public. The permit holder shall not be allowed to transfer any permit held by him / her to any of his / her family members or close blood / marriage based relationship and transfer one or more permits held by him to third party so as to prevent trafficking of permit.

In respect of transfer of permanent stage carriage permit is covered under clause (ii) above, the successor shall get the permit transferred to his / her name following the procedure outlined under Section 82 (2) and (3) of M.V. Act, 1988. After getting the permit transferred to his / her name by STA / RTA, as the case may be, he / she shall file self declaration stating that he is unable to manage the bus services for which permit / permits held by him / her. No tax / penalty / certificate case / audit dues pending in respect of all buses owned by him / her. To this effect clearance from concerned RTO is necessary. The permit holder shall transfer all stage carriage permanent permits held by him / her and no permit should be retained by him / her. In case the permit holder wants to transfer one permit or more permits, he / she shall have to surrender remaining permits before the STA / RTA, as the case may be, which will be cancelled and notified in the news paper inviting applications for grant of permanent stage carriage permit to deserving operator who can provide better service to the travelling public. The permit holder shall not be allowed to transfer any permit held by him / her to any of his / her family members or close blood / marriage based relationship and transfer one or more permits held by him to third party so as to prevent trafficking of permit.

After receipt of joint application for transfer of permit, subject to fulfillment of above conditions, same will be hosted in the website and published in the news paper, cost of which will be borne by the permit holder / prospective transferee to prevent trafficking / sale of permit.

The prospective third party transferee must qualify to get the permit. He / She shall produce Solvency Certificate / Bank Guarantee for one year, declaration to the effect that he had not violated permit conditions, plying any vehicle without permit on

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any unauthorized route, making unauthorized trip, without payment of tax due within twelve months prior to the date of making joint application for transfer of permit. He / She has never involved in transfer of permit to his / her name or never transferred any stage carriage permit to other person. No tax / penalty / certificate cases / audit dues outstanding against any of his vehicle. As regards plying of vehicles violating permit conditions, plying any vehicle without permit on any unauthorized route, making unauthorized trip, Vehicle Check Reports drawn / reports submitted to that effect will be considered irrespective of the fact that the VCR was closed on composition of offences.

The prospective third party transferee shall have to produce new vehicle / latest model vehicle not more than two years old from the date of registration in case the vehicle covered under the permit held by the transferor is more than ten years old from the year of manufacture.

After due deliberation it was decided that where permanent stage carriage permit holder dies due to COVID – 19, transfer of permanent permit to third party will be considered on case to case basis by Chairman, STA taking into account decision taken in 279th meeting mentioned above.

1.4 Intimation regarding registration number of all stage carriages owned by OSRTC and CRUT in Annexure-A, B and C.

The STA in its 291st meeting held on dt.19.02.2020 and 293rd meeting held on dt.14.12.2020, decided that at the time of filing application for grant of permanent stage carriage permit, the owner will have to submit self-declaration in Annexure-A disclosing total number of stage carriages owned by applicant, tax payment position and pendency of VCR / e-challan dues etc. The applicant will have to submit self-declaration in Annexure-B on the date of hearing / consideration of applications. These above stipulations will be applicable for single and multiple applications.

Similarly, at the time of filing application for renewal of stage carriage permit, the applicant will submit self-declaration in Annexure-C.

Since OSRTC and CRUT operate large number of stage carriages, it may not be practicable on their part to furnish registration number of all stage carriages owned by them. Submission of Annexure-A, B and C will not be insisted at the time of filing application for grant / renewal of permanent stage carriage permit.

After due deliberation it was decided that OSRTC and CRUT are STUs, requirement of submission of Annexure-A, B and C are dispensed with.



1.5. Delegation of power in favour of Chairman, STA for grant of All India Tourist Vehicle Permit.

All India Tourist Vehicle (Authorization or Permit) Rules, 2021 has come into force on 01.04.2021.

Under Rule 2 (1) (c) of said rules, permit and authorization will be issued by State Transport Authority.

After due deliberation, it was decided to delegate power to grant All India Tourist Permit and Authorization in auto approval mode through portal <https://parivahan.gov.in>.

1.6. Cancellation of All Odisha Contract Carriage Permit.

All Odisha Contract Carriage Permit No.214-G/2019 was granted inadvertently to Urmila Mahala, in respect of vehicle OSX-2970 (Model-1984) which is more than 35 years old. Keeping in view of safety and convenience of travelling public, the permit holder was asked to surrender the permit. In turn the permit holder has filed show cause to recall the notice vide No.8526 dated 09.08.2019.

In 293rd meeting it was ordered to place the matter in the next STA meeting which could not be placed inadvertently which may be placed next STA meeting for decision.

2. INTER-STATE ROUTES (SINGLE APPLICATIONS)

ITEM NO.2.1:- PARADEEP TO DIGHA AND BACK

GM (Operation) OSRTC, Bhubaneswar is present through Video Conference.

OSRTC, Bhubaneswar has applied for grant of permanent permit in the aforesaid route in respect of vehicle **OD02AE-3594**.

On verification of documents, it is found that the vehicle No.**OD02AE-3594 (Hero Moped)** is registered in the name of **Sri Aviram Khatua**.

After due deliberation, it was decided to reject the application filed by OSRTC in respect of vehicle OD02AE-3594 as it stands registered in the name of Aviram Khatua and to notify the route in the website / news paper inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.2.2:- PURI TO CONTAI VIA LAXMANNATH AND BACK

Sri Jayadeb Saha, owner of vehicle OD02K-8757 is represented by Advocate Shri H.P. Mohanty. The applicant has submitted self-declaration in Annexure-A and



B. He has not submitted Solvency Certificate / Bank Guarantee. He should submit the same for consideration of his application as per condition of advertisement.

Financial stability of 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 Jayadeb Saha, owner of vehicle OD02K-8757 and to notify the route in the website / news paper inviting applications for grant of permanent permit in the interest of commuting public.

ITEM No.2.3- BARGARH TO KOLKATA VIA-KEONJHAR, ANANDPUR, BHADRAK, LAXMANNATH AND BACK

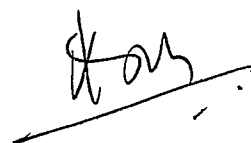
Applicant Tilatama Rana, owner of vehicle OD01AG-4088 is represented by Advocate, Shri Sabyasachi Mishra. The applicant has submitted the Solvency Certificate issued by Tahasildar, Udla on 17.08.2021 in Misc. case No.e-SLV/19 of 2021. She has submitted self-declaration in Annexure-A and B.

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

It was decided to grant permanent stage carriage permit to Tilatama Rana, owner of vehicle OD01AG-4088 in the interstate route **BARGARH TO KOLKATA VIA.KEONJHAR, ANANDAPUR, BHADRAK, LAXMANNATH** to perform single trip daily for a period of five years, as **A.C Deluxe Sleeper** service subject to verification of original documents submitted by her. 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 thirty days from the date of communication failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and VCR clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.2.4:-MADHAKHALI TO BALASORE VIA.CHANDANESWAR, DIGHA AND BACK

Applicant Nasima Bano, owner of vehicle **OD01A-3898** is represented by Advocate, Shri Abhaya Kumar Behera. The applicant has submitted self-declaration



in Annexure-A and B without disclosing registration number of another vehicle OD01M-3267 which amounts to suppression of fact. She has submitted Bank Guarantee.

Sri Sabyasachi Mishra, advocate appearing for the objector Sri Manoranjan Mishra owner of vehicle No.OD01W-0699 submitted that as per Reciprocal Transport Agreement executed between Odisha and West Bengal, STA, Odisha has to issue one permit with two trips in the interstate route Madhakhali to Balasore via Chandaneswar, Digha and back and STA has issued to vehicle OD01AG-4733 and there is no vacancy to consider application of applicant.

On verification of Reciprocal Transport Agreement executed between Odisha and West Bengal, it is found that STA, Odisha has issued one permanent permit to Smt. Basanti Manjari Das owner of vehicle OD01AG-4733 valid from 20.06.2018 to 19.06.2023. As such there is no vacancy to consider application of present applicant.

It was decided to reject application of Nasima Bano, owner of vehicle **OD01A-3898** for suppression of fact and also there is no vacancy.

ITEM NO.2.5:-GAYA TO KEONJHAR VIA RANCHI AND BACK

Applicant Sri Subrat Sahoo, owner of vehicle OD02BE-4535 is represented by Advocate, Shri H.P. Mohanty. He submitted that applicant wants to withdraw the application. The application is rejected as withdrawn.

The route may be notified in the website/ news paper inviting applications for grant of permanent permit to intending bus owners in the interest of commuting public.

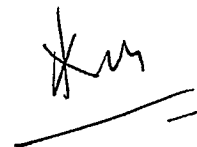
ITEM NO.2.6:- ROURKELA TO BHAGALPUR VIA RANCHI, BIRAMITRAPUR AND BACK

Applicant **Zafar Ahsan**, owner of vehicle **OD14X-2930** is represented by Advocate, Shri H.P. Mohanty. He submitted that applicant wants to withdraw the application. The application is rejected as withdrawn.

The route may be notified in the website/ news paper inviting applications for grant of permanent permit to intending bus owners in the interest of commuting public.

ITEM NO.2.7:-SIMDEGA TO DEBGARH VIA BIRAMITRAPUR, ROURKELA, PANPOSH, BONAI, BARKOT AND BACK

Applicant Arnava Travels, I/c Umashankar Pradhan, owner of vehicle OD11S-9646 is represented by Advocate Sri Abhaya Kumar Behera. He has not submitted



Solvency Certificate / Bank Guarantee. He should submit the same for consideration of his application as per condition of advertisement.

Financial stability of 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 Arnava Travels, I/c Umashankar Pradhan, owner of vehicle OD11S-9646 and to notify the route in the website / news paper inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.2.8:- JODA TO GUMLA VIA ROURKELA, BIRAMITRAPUR AND BACK

Applicant **Zafar Ahsan**, owner of vehicle **OD14X-2930** is represented by Advocate, Shri H.P. Mohanty. He submitted that applicant wants to withdraw the application. The application is rejected as withdrawn.

The route may be notified in the website/ news paper inviting applications for grant of permanent permit to intending bus owners in the interest of commuting public.

ITEM NO.2.9:- MUKHIGUDA TO RAIPUR VIA BHAWANIPATNA AND BACK

Heard applicant **Sri Janardan Panda**, owner of vehicle **ODO8G-8655** through video conference. This is a single application. The applicant has submitted the self-declaration in Annexure-A and B and Solvency Certificate.

The applicant has suppressed information in Annexure-A & B by not mentioning 09 vehicles i.e. OR05N-1599, OR08-2055, OD08G-8155, OR08F-0855, OD08L-7155, OD08C-3499, OD08R-1055, OD08N-1355 and OR08E-2955 owned by him.

The STA after due deliberation decided to reject the application filed by **Sri Janardan Panda**, owner of vehicle **ODO8G-8655** for suppression of required information as mentioned above stipulated in the advertisement and to notify the route in the website / news paper inviting applications for grant of permanent permit in the interest of commuting public.



ITEM NO.2.10:- BERHAMPUR TO RAIPUR VIA BHAWANIPATNA, KHARIAL ROAD, MAHASAMUND, ARANGA AND BACK.

Applicant **Sri Bikash Kumar Nayak**, owner of vehicle **OD02BG-7406** is present. The applicant has submitted the self-declaration in Annexure-A and B and Solvency Certificate / Bank Guarantee.

On verification of VAHAN data it is found that the applicant has suppressed information in Annexure-A & B by not mentioning vehicle OD02AK-0197 owned by him.

The STA after due deliberation decided to reject the application filed by **Sri Bikash Kumar Nayak**, owner of vehicle **OD02BG-7406** for suppression of required information as mentioned above and stipulated in the advertisement and to notify the route in the website/ news paper inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.2.11:- BHAWANIPATNA TO RAIPUR VIA DHARAMGARH, DEOBHOG AND BACK.

The applicant G.M. (operation) **OSRTC**, owner of vehicle **OD10H-4767** is present through Video Conference.

The applicant has applied for grant of permanent permit against Sl. No.10 of advertisement relating to Chhatisgarh in respect of route Bhawanipatna to Raipur via Dharmagarh, Deobhog.

As per Vahan data no VCR/E-challan drawn against vehicle OD10H-4767 owned by the applicant under section 192-A of M.V.Act,1988 within one year prior to date of consideration of present application.

There is no objection. It was decided to grant permanent stage carriage permit to **CMD, OSRTC, Bhubaneswar**, owner of vehicle **OD10H-4767** in the interstate route **BHAWANIPATNA TO RAIPUR VIA DHARAMGARH, DEOBHOG** to perform one single trip daily for a period of five years, as **Express service** subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, **Chhatisgarh**. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of thirty days from the date of communication failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and VCR clearance should be obtained and it

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

ITEM NO.2.12:- MUKHIGUDA TO RAIPUR VIA BHAWANIPATNA AND BACK.

Heard applicant **Sri Janardan Panda**, owner of vehicle **OD08G-8155** through video conference. This is a single application. The applicant has submitted the self-declaration in Annexure-A and B and Solvency Certificate.

The applicant has suppressed information in Annexure-A & B by not mentioning 09 vehicles i.e. OR05N-1599, OR08-2055, ODO8G-8655, OR08F-0855, OD08L-7155, OD08C-3499, OD08R-1055, OD08N-1355 and OR08E-2955 owned by him.

The STA after due deliberation decided to reject the application filed by **Sri Janardan Panda**, owner of vehicle **ODO8G-8155** for suppression of required information as mentioned above stipulated in the advertisement and to notify the route in the website / news paper inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.2.13:- BARAGARH TO SARANGARH VIA RUCHIDA, SARIA AND BACK

Applicant **Sri Deepak Kumar Sarangi**, owner of vehicle **OD17T-9522** is absent. This is a single application. The applicant has submitted the self-declaration in Annexure-A and B along with the Bank Guarantee. There is no objection.

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

There is no objection. It was decided to grant permanent stage carriage permit to

Sri Deepak Kumar Sarangi, owner of vehicle **OD17T-9522** in the interstate route **BARAGARH TO SARANGARH VIA RUCHIDA, SARIA** to perform two trips daily for a period of five years, as Ordinary service subject to verification of original documents submitted by him. The permit is valid subject to grant of countersignature by STA, Chhatisgarh. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be cancelled. The grantee shall lift the permit within a period of thirty days from the date of communication failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and VCR clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.



ITEM NO.2.14:- PADAMPUR TO BASNA VIA.JAGDALPUR AND BACK

Applicant Sri Pradeep Kumar Panda, owner of vehicle OD17F-9479 is represented through Advocate Sri Sabyasachi Mishra. The applicant has submitted the self-declaration in Annexure-A and B and not submitted the Solvency Certificate / Bank Guarantee.

As per VAHAN data, there is one E-challans no.OR10122210313154917 dated 13.03.2021 drawn against vehicle **OD17F-9479** of applicant drawn U/s. 192 (A) of M.V. Act, 1988 for plying without permit and violating permit conditions.

As per decision taken in 291st STA meeting, no permit shall be granted to vehicle for one year against which VCR was drawn under Section 192-A of M.V. Act, 1988. Since the applicant operated his vehicles without permit / violating permit conditions, his past performance as stage carriage operator is found not satisfactory and not congenial to travelling public. It was decided to reject the application of Pradeep Kumar Panda in respect of vehicle **OD17F-9479**. No permit will be granted to vehicle **OD17F-9479** for a period of one year.

The STA after due deliberation decided to reject the application filed by **Sri Pradeep Kumar Panda**, owner of vehicle No.**OD17F-9479** and to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.


ITEM NO.2.15 :- BHUBANESWAR TO BAJKUL VIA JALESWAR, SOLEPETA, EGRA AND BACK.

Applicant **Sri Khitish Chandra Palai**, owner of vehicle **OD22-7727** is represented through Advocate **Sri H.P. Mohanty**. The applicant has submitted the self-declaration in Annexure-A and B. He has submitted Bank Guarantee of Rs.99,000/- vide item No.23.

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

There is no objection. It was decided to grant permanent stage carriage permit to

Sri Khitish Chandra Palai, owner of vehicle **OD22-7727** in the interstate route **BHUBANESWAR TO BAJKUL VIA JALESWAR, SOLEPETA, EGRA** to perform one single trip daily for a period of five years, as A.C 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 thirty days from the date of communication failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and VCR clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

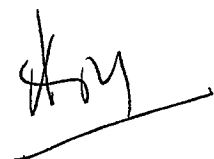
ITEM NO.2.16 :- PARADEEP TO NANDIGRAM AND BACK.

Applicant **Rekharani Mohapatra** owner of vehicle **ODO5J-8889** is represented by Advocate **Shri H.P. Mohanty**.

The applicant has submitted Solvency Certificate, self declaration in Annexure-A and B. As per VAHAN data one e-challan No.OR24236200920012908 dated 20.09.2020 was drawn against vehicle **ODO5J-8889** under Section 192-A of M.V. Act, 1988 for plying without permit / violating permit condition. In reply to drawal of e-challan, Advocate for applicant stated that it was drawn against previous owner and the present owner cannot be held liable for offence committed by previous owner.

There is no objection. Law is well settled that offence committed by previous owner cannot be passed on to subsequent owner for prosecution. Ownership of vehicle OD05J-8889 was transferred to the name of present applicant on 12.10.2020 whereas e-challan mentioned above was drawn on 20.09.2020 which is not considered as deficiency on the part of the present applicant.

After due deliberation it was decided to grant permanent stage carriage permit to **Rekharani Mohapatra** owner of vehicle **ODO5J-8889** in the interstate route **PARADEEP TO NANDIGRAM AND BACK** to perform one single trip daily for a period of five years, as A.C. Deluxe Sleeper service subject to verification of original documents submitted by her. 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 thirty days from the date of communication failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and VCR clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.



ITEM NO.2.17 :- BALIAPAL TO KOLKATA VIA LAXMANNATH AND BACK.

Applicant **Smruti Ranjan Padhi**, owner of vehicle **OR11M-2439** is represented by Advocate **Shri H.P. Mohanty**. This is a single application. The applicant has submitted Solvency Certificate, self declaration in Annexure-A and B.

As per VAHAN data, there is one E-challans no. OR10293201027011857 dated 27.10.2020 drawn against vehicle **OR11M-2439** of applicant drawn U/s. 192 (A) of M.V. Act, 1988 for plying without permit and violating permit conditions.

As per decision taken in 291st STA meeting, no permit shall be granted to vehicle for one year against which VCR was drawn under Section 192-A of M.V. Act, 1988. Since the applicant operated his vehicles without permit / violating permit conditions, his past performance as stage carriage operator is found not satisfactory and not congenial to travelling public. It was decided to reject the application of **Smruti Ranjan Padhi**, owner of vehicle **OR11M-2439**. No permit will be granted to vehicle **OR11M-2439** for a period of one year.

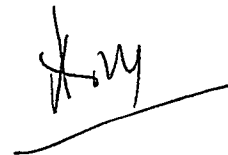
The STA after due deliberation decided to reject the application filed by **Smruti Ranjan Padhi**, owner of vehicle **OR11M-2439** and to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.2.18 :- BARIPADA TO MEDINAPUR VIA KUTHIGHAT AND BACK.

Applicant **Prasanta Kumar Saha**, owner of vehicle **OD11C-8188** is represented by Advocate **Shri A.K. Behera**.

The applicant has suppressed information in Annexure-A & B by not mentioning 02 vehicles i.e. OR11B-4188 & OR11G-1161 owned by him.

The STA after due deliberation decided to reject the application filed by **Sri Prasanta Kumar Saha**, owner of vehicle **OD11C-8188** for suppression of required information as mentioned above stipulated in the advertisement and to notify the route in the website / news paper inviting applications for grant of permanent permit in the interest of commuting public.



3. INTERSTATE ROUTE (MULTIPLE APPLICATIONS)

ITEM NO.3.1:- MIDNAPUR TO BARIPADA VIA KHARAGPUR, DARISOLA, BAHARIGODA, JAMSOLA AND BACK.

Pursuant to the advertisement published in website on **19.02.2021** and in daily news paper "Samaj", "Sambad" on 16.03.2021 and English Newspaper "Times of India" on 17.03.2021, following applications are received for grant of permanent permit in the aforesaid route.

1. Sri Prasanta Kumar Saha, owner of vehicle OD11C-8188.
2. Sri Sudam Kumar Sahu, owner of vehicle OD11N-8914.

Applicant Sri Prasanta Kumar Saha, owner of vehicle OD11C-8188 is represented by Advocate, Shri Abhaya Kumar Behera. He wanted to withdraw the application. The application filed by Prasanta Kumar Saha is rejected as withdrawn.

Applicant **Sri Sudam Kumar Sahu**, owner of vehicle **OD11N-8914** is absent.

He has not submitted Bank Guarantee/Solvency Certificate which is condition precedent in the advertisement and his financial stability cannot be adjudged as required under Section 71 (3) (d) (i) of M.V. Act, 1988.

The applicant has suppressed information in Annexure-A & B by not mentioning 01 vehicle i.e. **OR11G-3214** owned by him.

The STA after due deliberation decided to reject the application filed by **Sri Sudam Kumar Sahu**, owner of vehicle OD11N-8914 and to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.3.2:- ASKA TO DURGAPUR VIA BHUBANESWAR, BALASORE, LAXMANNATH AND BACK.

Pursuant to the Advertisement published in website on **19.02.2021**, **15.03.2021** & **31.03.2021** and in daily news paper "Samaj", "Sambad" on 03.04.2021 and English Newspaper "Times of India" on 04.04.2021., following applications are received for grant of permanent permit in the aforesaid route.

1. Mrs. S. Reena Prusty, owner of vehicle OD07AF-5888.
2. Sri Puneet Sahoo, owner of vehicle OD05AK-7165
3. Sri Subash Chandra Pattnayak, owner of vehicle OD07AC-8191
4. Sri Subash Chandra Pattnayak, owner of vehicle OD07AC-9181



Applicant Mrs. S. Reena Prusty, owner of vehicle OD07AF-5888 is represented by Advocate, K. Mahammed. He stated that the applicant has given Bank Guarantee and self-declaration in Annexure-A and B.

As per VAHAN data two E-challans No.BR8605210406163831 dt.06.04.2021 against vehicle No.OD07AF-5888 and E-challans No.OR15906201102192035 dt.02.11.2020 No.OD07Z-3299 drawn under section 192-A of M.V. Act, 1988 for plying without permit and violating permit conditions owned by the applicant S. Reena Prusty 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 one year against which VCR was drawn under Section 192-A of M.V. Act, 1988. Since the applicant operated her vehicles without permit / violating permit conditions, her past performance as stage carriage operator is found not satisfactory and not congenial to travelling public. It was decided to reject the application of Mrs. S. Reena Prusty, owner of vehicle OD07AF-5888. No permit will be granted to vehicle OD07AF-5888 for a period of one year.

Sri Puneet Sahoo, owner of vehicle OD05AK-7165 is present and has submitted the Solvency Certificate / 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 Sri Puneet Sahoo.

Advocate Sri M. B. K. Rao appearing from Subash Ch. Pattnaik, owner of vehicle OD07AC-8191 and OD07AC-9181 has submitted to withdraw the applications filed by Sri Pattnaik. Applications filed by Subash Ch. Pattnaik, owner of vehicle OD07AC-8191 and OD07AC-9181 are rejected as withdrawn.

It was decided to grant permanent stage carriage permit to Sri Puneet Sahoo, owner of vehicle OD05AK-7165 in the interstate route **ASKA TO DURGAPUR VIA BHUBANESWAR, BALASORE, LAXMANNATH AND BACK** to perform single trip daily for a period of five years as air conditioned Deluxe sleeper service subject to verification of original documents submitted by him. Since the vehicle OR05AK-7165 is 2010 model, the permit holder shall replace the existing vehicle by new AC Deluxe Sleeper vehicle within one month as undertaken from the date of issue of permit in the interest of travelling public. 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 canceled. The grantee shall lift the permit within a period of thirty days from the date of



communication failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and VCR clearance should be obtained and it should be ensured that the vehicle was not off-road on the date of application and on the date of consideration.

ITEM NO.3.3:- CHAIBASA TO RAIRANGPUR VIA TIRING, HATA AND BACK.

Pursuant to the Advertisement published in website on **19.02.2021** and in daily news paper "Samaj", "Sambad" on 16.03.2021 and English Newspaper "Times of India" on 17.03.2021, following applications are received for grant of permanent permit in the aforesaid route.

1. Sri Bharat Gourav, owner of vehicle OR11J-0635.
2. Mrs. Pankajini Giri, owner of vehicle OR11J-2635.

The applicant Bharat Gourav, owner of vehicle OR11J-0635 has submitted Annexure-A and B. But he has not submitted Solvency Certificate / Bank Guarantee.

It is noticed that permanent permit No.6-G/2019 has been issued by STA to Bharat Gourav, owner of vehicle No.OR11J-0635 in the interstate route Jharadiha to Saraikela which is valid till 29.01.2024. He has not surrendered the permit at the time of making application for grant of permanent permit in the above route. For the above reasons, the STA decided to reject the application of Bharat Gourav, owner of vehicle OR11J-0635.

The applicant Mrs. Pankajini Giri, owner of vehicle OR11J-2635 represented by Advocate, H.P. Mohanty. She has submitted Bank guarantee of Rs.1,00,000/-, declaration in Annexure-A and B.

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

It was decided to grant permanent stage carriage permit to Mrs. Pankajini Giri, owner of vehicle OR11J-2635 in the interstate route **CHAIBASA TO RAIRANGPUR VIA TIRING, HATA AND BACK** to perform two trips daily for a period of five years, as **ordinary service** subject to verification of original documents submitted by her. The permit is valid subject to grant of countersignature by STA, **Jharkhand**. The permit holder shall replace the existing vehicle by later model vehicle within two months as undertaken from the date of issue of permit in the interest of travelling public. 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 thirty days from the date of communication failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit and VCR clearance should be obtained and it should be ensured that, the vehicle was not kept off-road on the date of application and on the date of consideration.

There are three objections filed by Babulal Modak, owner of vehicle OR11J-0681 and OR11E-5026 regarding proposed timing applied for by applicant Pankajini Giri. It was decided to grant clash free timing to Pankajini Giri taking into consideration objection filed by Babulal Modak and timing of existing operators.

ITEM NO.3.4:- PURI TO TAMLUK AND BACK.

Pursuant to the Advertisement published in website on **19.02.2021**, **15.03.2021** & **31.03.2021** and in daily news paper "Samaj", "Sambad" on 16.03.2021, 03.04.2021 and English Newspaper "Times of India" on 17.03.2021 & 04.04.2021 following applications are received for grant of permanent permit in the aforesaid route.

1. Suchismita Sarangi, owner of vehicle OD11K-7383.
2. Mrs. Jayadeb Saha, owner of vehicle OD02K-8757.

Applicant Suchismita Sarangi, owner of vehicle OD11K-7383 is represented by Advocate, Sri M.B.K. Rao. The applicant has submitted self-declaration in Annexure-A and B. She has submitted Bank Guarantee issued by Panjab National Bank, Contai Branch, West Bengal.

Advocate Sri H.P. Mohanty appearing for co-applicant Jayadeb Saha submitted that applicant Suchismita Sarangi is resident at West Bengal and no permit be granted to her from Odisha quota.

Since the applicant Suchismita Sarangi has not produced Bank Guarantee issued by any Bank situated in Odisha, its authenticity cannot be verified. After due deliberation, it was decided to reject the application of Suchismita Sarangi, owner of vehicle OD11K-7383.

Sri Jayadeb Saha, owner of vehicle **OD02K-8757** is represented by Advocate Shri H.P. Mohanty. The applicant has submitted self-declaration in Annexure-A and B. He has not submitted Solvency Certificate / Bank Guarantee. He should submit the same for consideration of his application as per condition of advertisement.



Financial stability of 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 Jayadeb Saha**, owner of vehicle **OD02K-8757** and to notify the route in the website / news paper inviting applications for grant of permanent permit in the interest of commuting public.

ITEM NO.3.5:- BHUBANESWAR TO NANDAKUMAR VIA.BAJKUL, EGRA, BELDA, BHAGBANPUR, LAXMANNATH AND BACK.

Pursuant to the Advertisement published in website on **19.02.2021**, **15.03.2021** & **31.03.2021** and in daily news paper "Samaj", "Sambad" on 16.03.2021, 03.04.2021 and English Newspaper "Times of India" on 17.03.2021, 04.04.2021 following applications are received for grant of permanent permit in the aforesaid route.

1. Sri Suchismita Sarangi, owner of vehicle OD11K-7383
2. Kshitish Chandra Pallai, owner of vehicle OD22-7727

Applicant Suchismita Sarangi, owner of vehicle OD11K-7383 is represented by Advocate, Sri M.B.K. Rao. The applicant has submitted self-declaration in Annexure-A and B. She has submitted Bank Guarantee issued by Panjab National Bank, Contai Branch, West Bengal.

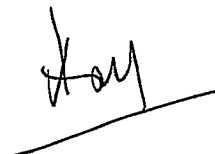
Since the applicant Suchismita Sarangi has not produced Bank Guarantee issued by any Bank situated in Odisha, its authenticity cannot be verified. After due deliberation, it was decided to reject two applications of Suchismita Sarangi, owner of vehicle OD11K-7383 filed for the self same route.

Applicant Kshitish Chandra Pallai, owner of vehicle OD22-7727 is represented by Advocate Sri H.P. Mohanty. He has submitted to withdraw his application filed by applicant. Thus the application of vehicle No.OD22-7727 is rejected as withdrawn.

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

ITEM NO.3.6:- ROURKELA TO RAIGARH VIA BRAJRAJNAGAR, JHARSUGUDA AND BACK

Pursuant to the Advertisement published in website on **19.02.2021** and in daily news paper "Samaj", "Sambad" on 16.03.2021, 03.04.2021 and English



Newspaper "Times of India" on 17.03.2021, 04.04.2021 following applications are received for grant of permanent permit in the aforesaid route.

1. Md. Gyasuddin, owner of the vehicle OR16D-7557
2. Rosy Das, owner of vehicle OD23K-0088

The applicant Md. Gyasuddin, owner of the vehicle OR16D-7557 is absent. He has submitted self-declaration in Annexure-A and B. The applicant has not submitted the Solvency Certificate / Bank Guarantee for which his merit cannot be adjudged under section 71 of MV Act, 1988.

Financial stability of applicant cannot be adjudged in absence of Solvency Certificate / Bank Guarantee as required under Section 71 (3) (d) (i) of M.V. Act, 1988. Hence, the STA resolved to reject the application filed by Md. Gyasuddin, owner of the vehicle OR16D-7557.

Applicant Rosy Das, owner of vehicle OD23K-0088 is represented by her husband Sri Sudhansu Sekhar Mohapatra. The applicant has submitted self-declaration in Annexure-A and B and Solvency Certificate.

As per Vahan data no VCR / E-challan was drawn against any of the vehicle of applicant under section 192-A of MV Act, 1988 prior to one year from the date of consideration.

Advocate, Sri H.P. Mohanty has filed objection on timing on behalf of Sri Gyana Ranjan Hota, owner of the vehicle OD16C-0788 and OR16D-9042. He has stated that the opposite party from Rourkela in the up trip and from Sundergarh in the down trip be revised and it be allowed to avail he vacant slots since the applied route covers the rationalized route from Rourkela to Jharsuguda.

Timing objection will be resolved by Secretary, STA before issue of permit.

It was decided to grant permanent stage carriage permit to Rosy Das, owner of vehicle OD23K-0088 in the interstate route ROURKELA TO RAIGARH VIA.BRAJRAJNAGAR, JHARSUGUDA AND BACK to perform two trips daily for a period of five years, as Ordinary service subject to verification of original documents submitted by her. The permit is valid subject to grant of countersignature by STA, Chhatisgarh. The permit holder will get the permit countersigned within 90 days failing which the permit is liable to be canceled. The grantee shall lift the permit within a period of thirty days from the date of communication failing which the grant order shall deem to be revoked. Before issue of permit, tax payment position, audit



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

ITEM NO.3.7:- BHUBANESWAR TO NANDAKUMAR VIA.LAXMANNATH, EGRA, BAJKUL AND BACK.

Pursuant to the advertisement published in website on 06.11.2020, following applications are received for grant of permanent permit in the aforesaid route.

1. **Sri Khitish Chandra Palai**, owner of vehicle **OD22-7727**
2. **Sri Gangadhar Sundaray**, owner of vehicle **OD02BG-4199**.
3. **Anjum Ara Bano**, owner of vehicle **OD22-5637**
4. **Suchismita Sarangi**, owner of vehicle **OD11K-7383**

Applicant **Sri Khitish Chandra Palai**, owner of vehicle **OD22-7727** is represented through Advocate **Sri H.P. Mohanty**. The Advocate has withdrawn the application of the petitioner. The application of **Sri Khitish Chandra Palai**, owner of vehicle **OD22-7727** is rejected as withdrawn.

Applicant **Sri Gangadhar Sundaray**, owner of vehicle **OD02BG-4199** is represented by Advocate **M.B.K. Rao**. The applicant has submitted the self-declaration in Annexure-A and B and has not submitted Solvency Certificate / Bank Guarantee as per decision taken by STA and stipulation made in the advertisement.

Advocate for applicant has submitted to accept fixed deposit in lieu of Bank Guarantee.

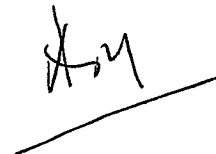
The STA decided not to accept fixed deposit receipt as it was not stipulated in the advertisement which is also not in consonance with the decision taken by STA.

Financial stability of 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 Gangadhar Sundaray**, owner of vehicle **OD02BG-4199** for non-submission of Solvency Certificate / Bank Guarantee.

Applicant, **Anjum Ara Bano**, owner of vehicle **OD22-5637**. She has submitted self-declaration in Annexure-A and B and Solvency Certificate / Bank Guarantee.

As per VAHAN data, it is ascertained that 3 nos. of VCRs/e-Challans drawn under section 192-A of M.V.Act,1988 against above stage carriage owned by the applicant **Anjum Ara Bano**, owner of vehicle **OD22-5637** vide



No.OR64822210107021559, dated 07.01.2021, No.OR10293201217000051, dated 17.12.2020 and No.OR24236200920020853, dated 20.09.2020.

As per decision taken in 291st STA meeting, no permit shall be granted to vehicle for one year against which VCR was drawn under Section 192-A of M.V. Act, 1988. Since the applicant operated her vehicles without permit / violating permit conditions, her past performance as stage carriage operator is found not satisfactory and not congenial to travelling public. It was decided to reject the application of **Anjum Ara Bano, owner of vehicle OD22-5637**. No permit will be granted to vehicle **OD22-5637** for a period of one year.

Applicant Suchismita Sarangi, owner of vehicle OD11K-7383 is represented by Advocate, Sri M.B.K. Rao. The applicant has submitted self-declaration in Annexure-A and B. She has submitted Bank Guarantee issued by Panjab National Bank, Contai Branch, West Bengal.

Since the applicant Suchismita Sarangi has not produced Bank Guarantee issued by any Bank situated in Odisha, its authenticity cannot be verified. After due deliberation, it was decided to reject the application of Suchismita Sarangi, owner of vehicle OD11K-7383.

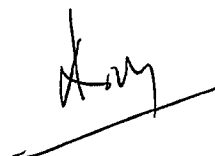
For the above reasons, the STA resolved to notify the route in the website inviting applications for grant of permanent permit in the interest of commuting public.

4. INTER-STATE ROUTES (CASE MATTER)

ITEM No.4.1: Intimation regarding Countersignature by the STA, Chhatisgarh in respect of vehicle no.OD05AD-5484 to operate on the Inter-State route Bhadrak to Raipur via. Deogarh, Bargarh and back.

Permanent Permit No.03-G-2020 has been issued in favor of Sri Satyanarayan Das in respect of vehicle no.OD05AD-5484 to operate on the Inter-State route Bhadrak to Raipur via. Deogarh, Bargarh and back. He could not get the permit countersigned within the specific period and prayed to grant more time.

As per decision taken by STA in item No.1 – Policy decision, the applicant may get the permit countersigned by 31.10.2021.



ITEM No.4.2: Grant of Permanent Permit in favour of Sri Sourabh Ranjan Pradhan in respect of vehicle no.OD05AE-0015 to operate on the Inter-State route Berhampur to Tata renamed as Berhampur to Ranchi and back.

Basing on the available data, the STA in 293rd meeting held on 14.12.2020 has rejected application of Sri Sourabh Ranjan Pradhan, owner of vehicle no.OD05AE-0015 regarding grant of permanent permit on the Inter-State route Berhampur to Tata renamed as Berhampur to Ranchi and back. It was found that declaration in Annexure-A and B were not taken into consideration by STA inadvertently.

As per order passed by the Chairman, STA permanent permit has been issued to Sri Sourabh Ranjan Pradhan, owner of vehicle no.OD05AE-0015 in the route Berhampur to Tata renamed as Berhampur to Ranchi and back.

After due deliberation it was decided to approve grant and issue of permanent permit to Sri Sourabh Ranjan Pradhan, owner of vehicle no.OD05AE-0015.

ITEM No.4.3: Renewal of permanent permit in respect of vehicle no.OR11E-1545 to operate on the Inter-state route Puri to Kolkata via.Laxmannath and back.

Permanent permit No.11-R/2015 has been issued by STA to Prakash Chandra Sahoo in respect of vehicle OR11E-1545 (Model – 2005) to operate in the interstate route Puri to Kolkata via- Jamsola which was valid till 16.04.2020. The permit holder has applied for renewal of permanent permit on dt.13.01.2020 which was processed and it was ordered that the owner should place higher model vehicle vide this office letter no.3075/TC, dt.29.02.2020. Further on verification from VAHAN-4 database, it is found that the said vehicle was kept off-road for a period from 01.07.2018 to 31.12.2019 and released from off-road on dt.05.12.2019.

Instead of placing higher model vehicle, Prakash Ch. Sahoo has filed an petition on 16.08.2021 with prayer to renew the permanent permit in respect of vehicle OR11E-1545 which is more than 15 years old.

While the matter stood thus, Prakash Ch. Sahoo has filed an application for transfer of said permit to Smt. Susama Sahoo which was adjudicated by Secretary, STA in M.V. Misc. case No.16 of 2020 and it was ordered to consider the same after renewal of P.P. which was lapsed since 16.04.2020.



As per records, vehicle OR11E-1545 was under off road from 01.07.2018 to 31.12.2019 and released from off-road on dt.05.12.2019 i.e. one year and five months causing inconvenience to travelling public due to fault of the permit holder. Besides the vehicle is not operating in the route Puri to Kolkata from 17.04.2020 till date.

The permit holder has not stated the reason for which his bus was not operated in the given route for one year and five months causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus from 01.07.2018 to 04.12.2019 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 Puri to Kolkata for which permits are granted to number of buses to operate from Puri to Kolkata including the permit granted to petitioner considering volume of traffic in the said route. Non-plying of bus by the petitioner for more than one year and five months is bound to cause inconvenience to travelling public. The commuting public had suffered a lot due to non-operation of bus by the petitioner from 01.07.2018 to 04.12.2019. For such deficiency in providing service to public by the petitioner, his conduct as stage carriage operator found to be not satisfactory.

The S.T.A. to the 264th S.T.A. meeting held on 30.01.2012 resolved the following.

ITEM NO - 3 POLICY DECISIONS:

- a) xxxx
- b) It is noticed that after obtaining permanent / temporary permit, holder of permits declaring the vehicles off road for months together, not operating in the given route which frustrates very purpose of grant of permit and thereby causing inconvenience to the traveling public. Keeping in view the interest of commuting public, after due deliberation **it was resolved that, if a vehicle is continuously declared off-road for more than 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 a cases, if the vehicle is covered under permit and the vehicle, covered in it is declared off-road for more than three months and less than six months, the route will be notified. If the vehicle is operating under Permanent Permit and declared off road for more than six months it will be deemed that his performance as a**





stage carriage operator is not satisfactory. In such event, the P.P. so granted is to be suspended / cancelled following procedure laid down under section 86 of M.V. Act,1988.

Advocate P.K. Nanda has filed petition with prayer to allow 15 days time.

The matter is deferred to next STA meeting for decision.

ITEM No.4.4: Renewal of permanent permit in respect of vehicle no.OR11G-7646 to operate on the Inter-state route Phulbani to Tata via. Bhubaneswar, Balasore, Baripada, Jamsola and back.

Advocate Sri H. P. Mohanty appeared for the applicant through video conference. Permanent Permit vide permit no.18-G-2015 has been issued in favor of Sri Debendra Barik in respect of vehicle no.OR11G-7646 to operate on the Inter-state route Phulbani to Tata via.Bhubaneswar, Balasore, Baripada, Jamsola and back valid till 27.08.2020.

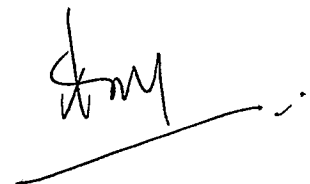
He had applied for grant of renewal of permanent permit on dt.01.07.2020. On verification from VAHAN-4 database, it is found that the said vehicle was kept off-road for a period from 01.07.2018 to 31.12.2020. Thus the vehicle was kept off-road for a period of more than two years.

As per decision taken in 264th STA meeting held on 31.01.2012, it has been resolved that

ITEM NO - 3 POLICY DECISIONS:

a) xxxx

b) It is noticed that after obtaining permanent / temporary permit, holder of permits declaring the vehicles off road for months together, not operating in the given route which frustrates very purpose of grant of permit and thereby causing inconvenience to the traveling public. Keeping in view the interest of commuting public, after due deliberation **it was resolved that, if a vehicle is continuously declared off-road for more than 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 a cases, if the vehicle is covered under permit and the vehicle, covered in it is declared off-road for more than three months and less than six months, the route will be notified. If the vehicle is operating under Permanent Permit and declared off road for more than six months it will be deemed that his performance as a stage carriage operator is not satisfactory. In such event, the P.P. so granted**



is to be suspended / cancelled following procedure laid down under section 86 of M.V. Act,1988.

The permit holder was directed to file show cause within a period of fifteen days as to why the permanent permit no.18-G-2015 shall not be cancelled for the above lapses vide this office lt. no.10868/TC, dt.09.12.2020. Advocate on behalf of Sri Barik, owner of vehicle no.OR11G-7646 has filed show cause.

While the matter stood thus, the permit holder has filed W.P. (C) No.10381 of 2021 before Hon'ble High Court which is pending. Hon'ble High Court has passed following order on 17.08.2021.

"Mr. P. Behera, learned Standing Counsel for the Transport Department, on having received instructions, states that since the matter is subjudice before this Court, the STA has not taken any decision on the same."

In view of above order passed by Hon'ble High Court, the matter is deferred to next STA meeting.

5. INTER-REGION ROUTES (CASE MATTER)

ITEM No.5.1: Renewal of permanent permit in respect of vehicle no.OR11L-3792 to operate on the route Gorumahisani to Bhubaneswar via. Jashipur and back.

Permanent Permit vide permit no.PP99/160024/G has been issued in favor of Sri Ranjan Kumar Mahala in respect of vehicle no.OR11L-3792 to operate on the route Gorumahisani to Bhubaneswar via.Jashipur and back valid till 03.02.2021.

The permit holder has applied for grant of renewal of permanent permit on dt.20.01.2021 through online in OPMS. On verification from VAHAN-4 database, it is seen that the said vehicle was kept off-road for a period from 01.12.2019 to 31.12.2020 (one year).

As per proceedings passed in 291st STA meeting held on dt.19.02.2020, it has been resolved that "xx xx 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 xx xx."

Accordingly, the owner was directed to file show cause as to why the permanent permit no.PP99/160024/G shall not be cancelled for the above lapses



vide this office letter No.1508/TC, dt.03.02.2021. The permit holder has filed show cause which is taken in to consideration.

The permit holder has not stated the reason for which his bus was not operated in the given route for one year causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus from 01.12.2019 to 31.12.2020 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 Gorumahisani to Bhubaneswar for which permits are granted to number of buses to operate from Gorumahisani to Bhubaneswar including the permit 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 from 01.12.2019 to 31.12.2020. For such deficiency in providing serviced to public by the petitioner, his conduct as stage carriage operator found to be not satisfactory.

In view of foregoing discussion and after due deliberation it was decided to reject application for renewal of permit filed by Ranjan Kumar Mahala, owner of vehicle no.OR11L-3792.

The STA resolved to notify the route in the website Inviting applications for grant of permanent permit in the interest of commuting public.

ITEM No.5.2: Renewal of permanent permit in respect of vehicle no.OR02BD-2199 to operate on the route Cuttack to Baliguda via. Nayagarh, G. Udayagiri and back.

Heard Advocate Sri M. B. K. Rao on behalf of applicant Sri Gangadhar Sundaray.

Permanent Permit vide Permit No.PP99/140261/G was issued in favor of Sri Gangadhar Sundaray in respect of vehicle no.OR02BD-2199 to operate on the route Cuttack to Baliguda via. Nayagarh, G. Udayagiri and back which was valid till 19.04.2019.

He had applied for grant of renewal of permanent permit on dt.14.11.2019 after lapse of more than six months. The vehicle OR02BD-2199 was declared off-road for the period from 01.01.2019 to 31.10.2019.



His application for renewal of permanent permit was rejected and he has challenged the order of rejection before Hon'ble STAT in M.V. Appeal No.19 of 2019 which was disposed of on 07.02.2020. Hon'ble Tribunal has remitted back the matter to STA for fresh consideration of the application of the appellant for renewal of permanent permit by extending the opportunity of hearing to the appellant as provided under Section 81 (4) M.V. Act, 1988.

Section 81 (2) & (3) of M.V. Act, 1988 deals with renewal of permanent permit which provides that:

"(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."

The provision contained under Section 58 (2) & (3) of M.V. Act, 1939 are quoted below for better appreciation.

58. Duration and renewal of permits.

(2) A permit may be renewed on an application made and disposed of as if it were an application for a permit:

Provided that the application for the renewal of a permit shall be made-

(a) in the case of a stage carriage permit or a public carrier's permit, not less than (one hundred and twenty days) before the date of its expiry and

(b) in any other cases, not less than (sixty days) before the date of its expiry.

(3) Notwithstanding anything contained in the (first) proviso to sub-section (2), the Regional Transport Authority may entertain an application for the renewal of a permit after the last date specified in the said proviso for the making of such an application, if the application is made not more than fifteen days after the said last date and is accompanied by the prescribed fee.

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

"7. xx xx xx The proviso to sub-section (2) requires that an application for renewal of a permit should be made not less than 120 days before the date of expiry of the permit. But, notwithstanding this provision, the

Regional Transport Authority may, under sub-section (3), entertain an application for renewal of a permit after the last date specified in sub-section (2), "if the application is made not more than 15 days after said last date and is accompanied by the prescribed fee." Sub-section (3) thus vests a discretion in the Regional Transport Authority to entertain an application for renewal of a permit even if it is beyond time, but in that case the delay should not be of more than fifteen days. The word used in sub-section (3) is "may" and not "shall" and the Regional Transport Authority is given a discretion to entertain an application for renewal of a permit even where it is beyond time, though not more than 15 days. It may condone the delay or it may not, depending on the circumstances of each case. The discretion is to be exercised not on any arbitrary or fanciful grounds or whim or caprice of the Regional Transport Authority, but it is to be a judicial discretion. It is true that the criterion which is to guide the Regional Transport Authority in the exercise of its discretion is not articulated in sub-section (3), but it is implicit in every conferment of discretion on a judicial or quasi-judicial authority that the discretion is to be exercised in a judicial manner on well-settled legal principles. It would not be right to attribute to the legislature an intention to confer unguided and unfettered discretion on the Regional Transport Authority which is a quasi-judicial authority. The discretion is obviously to be exercised where sufficient cause for not making the application for renewal within time is made out by the applicant. This criterion can legitimately be imported from Section 5 of the Limitation Act, 1963 which contains an allied provision for condonation of delay where an application is made beyond time. It could never have been the intention of the Legislature that even where there is no sufficient cause for delay in making an application for renewal, the Regional Transport Authority should still be bound to entertain the application for renewal merely on the ground that the delay is of not more than 15 days. Sub-section (3) enacts a provision for condonation of delay in making an application for renewal and not a provision extending the time limit specified in the proviso to sub-section (2) in all cases as a matter of course. If the intention of the Legislature were that in every case delay of not more than 15 days in making an application for renewal should be condoned as of course, there was no need for a separate provision in sub-section (3), but the Legislature could have very well specified "one hundred and five days" instead of "one hundred and twenty days" in the proviso to sub-section (2)."

"8. It is, therefore, clear that sub-section (3) of Section 58 confers a discretion on the Regional Transport Authority to entertain an application for renewal when it is made beyond the time limit specified in the proviso to sub-section (2), but not more than 15 days late and the discretion is to be exercised in favour of entertaining the application for renewal when it is shown that there was sufficient cause for not making it in time. Now the question which arises is: does Section 5 of the Limitation Act, 1963 apply so as to empower the Regional Transport Authority, for sufficient cause, to entertain an application for renewal even where it is delayed by more than 15 days? Section 29, sub-section (2) of the Limitation Act, 1963 makes Section 5 applicable in the case of an application for renewal unless its applicability can be said to be expressly excluded by any provision of the Act. The only provision of the Act sought to be pressed into service for this purpose was sub-section (3). Does sub-section (3) expressly exclude further extension of time under Section 5? If it does, then Section 5 cannot be availed of by the appellant for condonation of the delay. Sub-section (3) in so many terms says

(B)

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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 less than 15 days before the expiry of permit and not after expiry of permit. In the present case permit had lost its validity on 19.04.2019 and application for renewal of permit was filed on 14.11.2019 i.e. more than six months after expiry of permit causing inconvenience to commuting public. The travelling public are deprived of getting service in the above route for the fault of the applicant.

Aforesaid law laid down by Hon'ble Supreme Court relates to Section 58 of M.V. Act, 1939 corresponds to Section 81 of M.V. Act, 1988. The facts and circumstances of the reported case (supra) are squarely applicable to the present case being identical.

The permit holder has not stated the reason for which his bus was not operated in the given route for one year and five months causing inconvenience to travelling public. The permit holder also did not intimate the STA about non-operation of bus from 01.01.2019 to 31.10.2019 as required under rule 75 (3) of OMV Rules, 1993.





In no case application for renewal of permit can be entertained by STA after expiry of permit which has been upheld by Hon'ble State Transport Appellate Tribunal in M.V. Appeal No.18 of 2014.

Relying upon law laid down by Hon'ble Supreme Court (supra) and for the foregoing reasons, the delay in filing application by the petitioner for renewal of permit is not condonable under Section 81 (3) of M.V. Act, 1988.

The STA after due deliberation decided not to consider the application for renewal of permanent permit filed by Gangadhar Sundaray, owner of vehicle no.OR02BD-2199 in the route Cuttack to Baliguda via. Nayagarh, G. Udayagiri and back which is accordingly rejected.

The route and timing be notified in the news paper / website inviting applications for grant of Permanent Permit on this route to select deserving operator by affording opportunity to all intending operators in the interest of equal opportunity and fair play. After the route is notified, the applicant, if so likes, may apply for permit in the said route and compete with other applicants.

ITEM No.5.3: Cancellation of Permanent Permit no.SC/SIRP99/01781/2019 issued to vehicle no.OR07T-1441 in the inter-region route Hinjilicut to Cuttack (Badambadi) via. Balugaon, Chandapur and back.

The matter was placed in the 291st STA meeting held on 19.02.2020 in which following decision was taken.

"Permanent permit No.SC/SIRP99/01781/2019 was issued in favour of Zakira Begum, owner of vehicle OR07T-1441 in the route Hinjilicut to Cuttack via Berhampur, Balugaon which is valid from 07.08.2019 to 06.08.2024. On 09.02.2020 while said bus was plying unauthorisedly without permit from NH 16 towards Chikarada on Tulu Road carrying 40 passengers (approx.) on contract was electrocuted and five persons died on spot at Mendrajpur under Golanthara P.S., Ganjam.

The permit holder was noticed vide this office letter No.2359 dated 18.02.2020 to file show cause as to why permanent permit issued to her shall not be cancelled for violating permit conditions.

The matter was placed before STA for decision regarding cancellation of permit granted to above permit holder for violation of permit conditions and plying of



vehicle without permit. After due deliberation it was resolved to authorize Chairman, STA to initiate proceeding for cancellation of permit and provide opportunity of being heard to above permit holder following procedure laid down under Section 86 of M.V. Act, 1988. After conclusion of hearing, decision taken by Chairman, STA may be communicated to Members of STA by circulation for approval.”

Misc. case No.21 of 2020 was instituted by Chairman, STA in which it was ordered to place the matter before STA for decision. Accordingly the matter was taken up by STA.

The permit holder has filed show cause on 02.03.2020 which was considered by STA. In her show cause, the permit holder stated that the petitioner is no way responsible for the mishap occurred on 09.02.2020 when the petitioner's bus was came into contact with overhead electric wires leading to loss of lives of passengers. Rather Electricity Department shall be blamed for the mishap.

She has not stated the reason as to why she was plying her vehicle carrying passengers without having valid permit. The permit holder knowingly carrying passengers on 09.02.2020 in a different route without having any valid permit thereby violating conditions of existing permit for which she is solely responsible. She cannot shift her responsibility in plying her vehicle without permit carrying passengers as such her conduct as stage carriage operator is not satisfactory.

The STA after due deliberation decided to cancel the permanent permit No.SC/SIRP99/01781/2019 issued to Zakira Begum, owner of vehicle OR07T-1441 in the route Hinjilicut to Cuttack via Berhampur, Balugaon under the 86 (1) (b) of M.V. Act, 1988.

The route be notified in the website/ news paper inviting applications for grant of permanent permit to intending bus owners in the interest of commuting public.

ITEM No.5.4: Consideration of application for grant of Permanent Permit in respect of vehicle no.OD02AS-0779 in the inter-region route Khurdha to Bholagadia via.Cuttack, Bhadrak, Soro and back.

Heard Sri M. B. K. Rao, Advocate on behalf of applicant Smt. Pranati Nalini Samantara through video conference.

He submitted that Temporary Permit for a period of 119 days was granted in favor of Smt. Pranati Nalini Samantara, owner of vehicle no.OD02AS-0779 in the



route Khurdha to Bholagadia via. Cuttack, Bhadrak, Soro and back valid from 03.02.2018 to 01.06.2018. Thereafter she had applied for grant of Permanent Permit on dt.02.05.2018 through online in OPMS. The said application was kept pending on the ground that aforesaid temporary permit was issued inadvertently on the rationalized route Bhubaneswar – Baripada which was then under process. That in the rectified final rationalized timing prepared by STA, her bus OD02AS-0779 finds place at Sl. No.39 in up trip and Sl. No.191 in down trip. That permanent permit be granted to Smt. Pranati Nalini Samantara, owner of vehicle no.OD02AS-0779 in the route Khurdha to Bholagadia via. Cuttack, Bhadrak, Soro and back as per rationalized timing mentioned above.

From records it reveals that Smt. Pranati Nalini Samantara has filed W.P. (C) No.30307 of 2020 before Hon'ble High Court. While disposing of writ petition, Hon'ble Court vide order dated 01.03.2021 has directed that "*Having heard learned counsel for the parties, instead of relegating the petitioner to forum of appeal, if rationalization of permit will be completed within a week, let the petitioner file a fresh application for permanent permit, so that the authority can apply his mind and pass appropriate order in accordance with law as expeditiously as possible*".

Final rationalized timing of stage carriages plying in the route Bhubaneswar to Baripada via Cuttack, Bhadrak, Balasore was published by STA which was implemented on 20.09.2021. In the order issued by STA, it has been specifically mentioned that the existing permit holders may file objection / representation by 18.10.2021 which will be examined and rationalized timing will be further modified. Consequently the final rationalized timing may undergo revision after considering objection / representation filed by the bus owners. After 01.06.2018, no permit was issued to the applicant Smt. Pranati Nalini Samantara, owner of vehicle no.OD02AS-0779 in the route Khurdha to Bholagadia via. Cuttack, Bhadrak, Soro and back. It has been mentioned in the notice published in daily news paper "The Samaj", "Sambad" and 'Dharitri" on dated 18.09.2021 that after publication of vacant slots in website, the bus owners may apply for grant of permit on that slots which will be considered on merit.

The STA after due deliberation decided to reject the application filed by Smt. Pranati Nalini Samantara, owner of vehicle no.OD02AS-0779 for grant of permanent permit in the route Khurdha to Bholagadia via. Cuttack, Bhadrak, Soro and back for the reason mentioned above.



ITEM No.5.5: Consideration of application for Modification of Timings in respect of vehicle no.OD02AA-2550 operating in the inter-region route from Cuttack to Berhampur and back.

Heard Sri Debasish Behera, owner of vehicle No.OD02AA-2550 in person through video conference.

The permit holder is operating on the route Cuttack to Berhampur on the strength of permanent permit issued by this authority has applied for change of up-trip departure time at Cuttack 05.00 AM instead of 07.45 AM. The matter was adjudicated by the Secretary, STA in M.V. Misc. case No.72 of 2020 and final order was passed on 28.12.2020. Timing of permit holder was revised to 07.55 AM instead of 09.15 AM.

Being aggrieved the permit holder has filed application before Chairman, STA to allot Bhubaneswar departure timing in between 06.20 AM to 06.45 AM towards Berhampur.

Order passed by Secretary, STA is appealable before Hon'ble STAT. Since the permit holder has not filed appeal challenging the order passed by Secretary, STA on 28.12.2020, the said order became absolute.

The STA after due deliberation decided to reject the application filed by Sri Debasish Behera, owner of vehicle No.OD02AA-2550 for revision of timing.

ITEM No.5.6: Cancellation of permanent permit No.SC/SIRP99/01569/2020 issued in respect of vehicle No.OD04N-3985 operating in the inter-region route from Bhubaneswar to Gereda via.Buguda, Balipadar and back.

Heard Advocate, Sri Sabyasachi Mishra on behalf of Niranjana Ray purchaser of vehicle No.OD04N-3985 through video conference.

He stated that the applicant Sri Asutosh Sarangi has sold his vehicle No.OD04N-3985 to Niranjana Ray and transfer of ownership has been effected in the registration record. He submitted that Permanent Permit No.SC/SIRP99/01569/2020 issued in favour of Sri Asutosh Sarangi in respect of his vehicle No.OD04N-3985 to operate in the inter-region route from Bhubaneswar to Gereda via.Buguda, Balipadar and back valid till 31.10.2025 be cancelled.

The permit holder Asutosh Sarangi has applied for surrender of permanent permit held by him on 10.02.2021 through OPMS.

In view of submission made by Advocate for Niranjana Ray, owner of vehicle OD04N-3985, it was decided to cancel the Permanent Permit



No.SC/SIRP99/01569/2020 issued in favour of Sri Asutosh Sarangi under Section 86 (1) (c) of M.V. Act, 1988.

The route be notified in the website/ news paper inviting applications for grant of permanent permit to intending bus owners in the interest of commuting public.

ITEM No.5.7: Consideration of application for grant of Permanent Permit in respect of vehicle no.OR08C-0915 in the inter-region route Dharmagarh to Kantabanji and back.

Heard Sri J. N. Mohanty, Advocate for the permit holder Nilakantha Das through video conference.

He states that Permanent Permit No.PP99/150248/G was issued in favour of Sri Nilakantha Das in respect of his vehicle No.OR08C-0915 to operate in the Inter Region route Dharmagarh to Kantabanji which was valid till 07.05.2021. The permit holder has filled application on 18.02.2021 for grant of renewal of PP for further period of 5 years through online in OPMS. He prayed to renew the permanent permit.

From records it reveals that the permit holder had kept his vehicle No.OR08C-0915 off-road for the period from 01.04.2018 to 31.03.2021 i.e. for 2 years 10 months and not operated in the given route causing inconvenience to travelling public.

The S.T.A. to the 264th S.T.A. meeting held on 30.01.2012 resolved the following.

ITEM NO - 3 POLICY DECISIONS:

a) xxxx

b) It is noticed that after obtaining permanent / temporary permit, holder of permits declaring the vehicles off road for months together, not operating in the given route which frustrates very purpose of grant of permit and thereby causing inconvenience to the traveling public. Keeping in view the interest of commuting public, after due deliberation **it was resolved that, if a vehicle is continuously declared off-road for more than 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 a cases, if the vehicle is covered under permit and the vehicle, covered in it is declared off-road for more than three months and less than six months, the route will be notified. If the vehicle is operating under Permanent Permit and declared off**

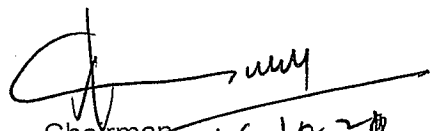


road for more than six months it will be deemed that his performance as a stage carriage operator is not satisfactory. In such event, the P.P. so granted is to be suspended / cancelled following procedure laid down under section 86 of M.V. Act,1988.

The permit holder has failed to provide service to commuting public and kept his vehicle off road for for 2 years 10 months and for such deficiency, his past performance as stage carriage operator is not found satisfactory.

The STA after due deliberation decided not to consider the application for renewal of permanent permit filed by Sri Nilakantha Das, owner of vehicle No.OR08C-0915 to operate in the route Dharmagarh to Kantabanji which is accordingly rejected.

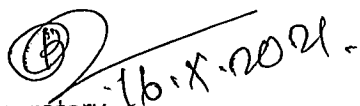
The route and timing be notified in the news paper / website inviting applications for grant of Permanent Permit on this route to select deserving operator by affording opportunity to all intending operators in the interest of equal opportunity and fair play. After the route is notified, the applicant, if so likes, may apply for permit in the said route and compete with other applicants.


Chairman
STA, Odisha, Cuttack. 16.10.21

Memo No. 11184 /TC.

Copy to all members of STA for information.

Dt. 21-10-21


Secretary,
STA, Odisha, Cuttack. 16.10.2021.