

PROCEEDINGS OF THE 290th MEETING OF STA, ODISHA HELD IN THE CONFERENCE HALL OF TRANSPORT COMMISSIONER-CUM-CHAIRMAN, STATE TRANSPORT AUTHORITY, ODISHA ON 13.01.2020.

MEMBERS PRESENT:

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| 1. | Shri Sanjeeb Panda, I.P.S.,
Transport Commissioner-Cum-Chairman,
STA, Odisha, Cuttack. | | Chairman. |
| 2. | Shri Soumit Mitra. | | Member. |
| 3. | Shri Ignace Hasda, OAS(SAG),
Secretary, STA, Odisha, Cuttack. | | Member-Secretary. |
| 4. | Debadutta Suranjita Jena, OAS(SB)
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 290th S.T.A. meeting.

The proceeding of the 289th meeting of State Transport Authority held on 05.11.2019 circulated among all the Members vide this Office Memo No.14322/TC dated 21.12.2019 is confirmed as no objections received.

Action taken by the Chairman, STA, Secretary, STA and Under Secretary, STA for the period from 06.11.2019 to 12.01.2020 are approved.

1. **POLICY DECISION:**

It was brought to the notice of STA that permanent permits granted in STA meetings have not been lifted by the grantees within the stipulated period which defeats the very purpose of grant of permit causing inconvenience to the travelling public. After due deliberation it was resolved that in cases where the permit granted by STA in its meeting and not lifted by the applicant within the stipulated period as mentioned, the grant order shall deem to be revoked and it will not be placed before STA again for revocation of the grant order.

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INTERSTATE ROUTES

2.1:- Cancellation of permanent permit granted to Sri Ratikanta Parida in respect of vehicle OD22K-7727 in the interstate route Baragarh to Kolkata and back.

The STA in its 287th meeting held on 22.01.2019 decided to grant permanent permit in favour of Sri Ratikanta Parida in respect of his vehicle no.OD22K-7727 in the aforesaid route. Sri Parida was intimated vide this office letter No.3269 dated 02.03.2019 to lift the permanent permit and he failed to lift the same.

In the meantime Sri Parida has applied for grant of permanent permit in the interstate route Baripada to Raipur to operate as alter service of vehicle no.OD28A-4526.

Sri Parida was again directed to lift the permanent permit in the route Bargarh to Kolkata vide this office letter No.6385/TC dtd 19.06.2019. In response to said letter, Learned Advocate on behalf of Sri Parida has requested to allow three months of time for depositing the permit fees as the said vehicle is under repair.

The matter was placed in 289th STA meeting held on 05.11.2019 and it was decided that the applicant will lift the permit within fifteen days from the date of issuance of proceeding on depositing permit fee and submission of other statutory M.V documents failing which the grant offered shall stand revoked. The decision of STA was taken in presence of Advocate of applicant who has agreed to abide by decision of STA.

Shri H.P. Mohanty, Advocate appeared on behalf of Shri Ratikanta Parida, owner of vehicle No.OD22K-7727 stated that some more time be granted to lift the permanent permit.

After due deliberation it was decided that since the applicant has not lifted the permanent permit so granted by STA on 22.01.2019, no further time shall be granted. The grant order is revoked. The route be notified inviting application from the intending bus operator for grant of permanent permit in the interest of travelling public.

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2.2:- Cancellation of permanent permit granted to vehicle OD01Y-1155 in the Interstate route Puri to Haladia and back.

This matter was taken up as per direction of Hon'ble High Court in Writ Appeal No.588 of 2019 filed by Puspanjali Gaana.

Hon'ble Court has passed the following order on 22.11.2019 :-

"In view of the above, we dispose of this writ Appeal with an observation that in case the appellant produces certified copy of this order before the Transport Authority, in such event, the said authority shall give an opportunity of hearing to the appellant as well as other respondents i.e. present respondent No.3- Sunanda Sarangi pursuant to the notice published in the daily newspaper " The Samaj" on 21.12.2018 inviting applications from intending operators for grant of permanent stage carriage permit and take a decision afresh, since the learned Single Judge has given an opportunity to the appellant to make his stand clear before the authority."

Heard Sri P. Behera, Advocate on behalf of Puspanjali Gaana and Sri M. B. K. Rao, Advocate on behalf of Sunandita Sarangi.

Pursuant to advertisement made in the news paper on 21.12.2017 for grant of permanent permit in the route Puri to Haladia, two applications received from Smt. Puspanjali Gaana, owner of vehicle OD01Y-1155 and Sunandita Sarangi, owner of vehicle OD05AD-0029.

Above applications were placed in 287th STA meeting. Both the applicants have got 65 marks each and the vehicle OD01Y-1155 of Puspanjali Gaana is of higher model than that of Sunandita Sarangi. After considering relative merits of applicants it was decided to grant permit in favour of Smt. Puspanjali Gaana, owner of vehicle OD01Y-1155.

Before issue of permit to Smt. Puspanjali Gaana, co-applicant Sunandita Sarangi has filed a petition on 30.01.2019 stating that the vehicle OD01Y-1155 of Puspanjali Gaana was seized by RTO, Bhubaneswar while plying without permit under Section 192(A) of M.V Act, 1988 which was not considered by STA while granting permit to Smt. Gaana.



Earlier the STA has resolved that in cases where a vehicle was found plying without permit or violating permit conditions punishable under Section 192A of M.V. Act, 1988 five marks will be deducted and the vehicle will be debarred for getting permit for two years.

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

The said matter was placed in 289th STA meeting held on 05.11.2019 and Sri P. Behera, Advocate of Puspanjali Gaana and co-applicant are heard. Since the vehicle OD1Y-1155 of Puspanjali Gaana was detected plying without permit five marks was deducted from total marks computed and she got 60 marks. This was an error on the face of record as drawl of VCR against vehicle OD01Y-1155 punishable under Section 192A of M.V. Act, 1988 was not brought to the notice of STA in 287th meeting held on 22.01.2019.

After due deliberation, it was decided to grant permanent permit stage carriage permit to Mrs. Sunadita Sarangi, owner of vehicle OD05AD-0029 in the interstate route Puri to Haldia and back. Accordingly, permanent permit no.01-G/2020 has been issued to Sunandita Sarangi, owner of vehicle OD05AD-0029 to operate in the aforesaid route valid up to 01.01.2025 w.e.f.02.01.2020.

Sunandita Sarangi, owner of vehicle No.OD05AD-0029 is represented by Advocate Mr. M.B.K. Rao. He stated that the permit has been granted and issued to the vehicle of in its 289th meeting. But Mrs. Puspanjali Gaana, owner of vehicle No.OD01Y-1155 is represented by Advocate Shri P. Behera stated that before issuance of permit in favour of vehicle No.OD05AD-0029 of Sunandita Sarangi, her client has filed a writ petition before the Hon'ble High Court vide WA No.588 of 2019.

After hearing the parties it was decided that the decision taken by STA in 289th meeting to grant permanent permit to Sunandita Sarangi in the route Puri to Haldia suffers no infirmity and there is no irregularity or impropriety to review or reconsider the same.

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2.3:- Cancellation of permanent permit in the Interstate route Narsinghpur to Kolkata via. Jamsola and back.

Heard Sri Santanu Das, Advocate on behalf of Madan Mohan Sahoo.

The matter of cancellation of permanent permit issued to Madan Mohan Sahoo in the interstate route Narasinghpur to Kolkata via-Jamsola and back was placed before STA in its 287th meeting on 22.01.2019.

After deliberation it is decided that Sri Madan Mohan Sahoo shall produce a new vehicle in place of OR05AV-8128 within six months and on production of new vehicle fresh permit be considered. In case of failure to produce a new vehicle within six months from the date of communication of office order, claim for renewal / issue of fresh permit shall not be considered.

The proceeding of 287th STA meeting has been hosted in the official website. Besides Sri Madan Mohan Sahoo was intimated vide letter no.4402/TC dtd 04.04.2019 to produce a new vehicle in place of OR05AV-8128 within six months failing which the claim for renewal / Issue of fresh permit shall not be considered.

The Learned Advocate for the petitioner has filed petition on 20.12.2019 and intimated that the petitioner has purchased one vehicle OD05AJ-8529 and requested to replace new vehicle in place of vehicle OR05AV-8128. Heard.

Applicant Shri Madan Mohan Sahu, owner of vehicle No.OR05AV-8128 is represented by Advocate, Mr. Santanu Das. He stated that his case may be considered for grant of permit. But as per report of RTO, Cuttack, vide his letter No.5263/RTA dt.09.12.2019, both the vehicles OR05AV-8128 and OR05AP-6346 are not actually plying on the route since last two to three years.

In this regard, it is decided to call for a further report from RTO, Cuttack.

Prayer for replacement of vehicle OR05AV-8128 by OD05AJ-8529 is allowed. Madan Mohan Sahu shall get the vehicle replaced within seven days from today on payment of fee and observing statutory formalities failing which no further time shall be allowed and the grant order shall stand revoked. This decision was taken in presence of the Advocate for Sri Sahoo.

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While issuing permit and making replacement of vehicle, a special condition shall be incorporated in the body of permit that "*the permit holder shall make TGR entry in the Narsinghpur Police Station every day*" to ensure plying of vehicle from Narsinghpur which is in the interest of travelling public.

2.4:- Cancellation of grant order of permanent permit in the Interstate route Paradeep to Tata and back.

STA in its 287th meeting held on 22.01.2019 had granted permanent permits in favour of Sri Murari Prasad Behera in respect of vehicle OD11Q-3208 and Sri Samir Kumar Mohapatra owner of vehicle OR11L-1361 to operate in the interstate route Paradeep to Tata and back. Accordingly, Sri Murari Prasad Behera and Sri Samir Kumar Mohapatra were intimated vide this office letter no.3273/TC dated 02.03.2019 and they have not lifted the permits so granted till date.

In this case the applicant Shri Sameer Kumar Mohapatra, owner of vehicle No.OR11L-1361 is represented by Advocate Shri A.K. Behera. He stated that due to want of solvency certificate, he could not able to lift the permit. He stated that within three days, he will lift the permit on depositing of requisite fee which may be considered.

It is decided that, if the applicant will not lift the permit within three days, then it will be deemed to be cancelled. It has also been decided that the another permit granted to Shri M.P. Behera, owner of vehicle No.OD11Q-3208 which has not yet been lifted is to be cancelled and notified.

2.5:- Cancellation of grant order of permanent permit in the Interstate route Jharsuguda to Chirimiri and back.

STA in its 287th meeting held on 22.01.2019, permanent permit has been granted in favour of Managing Director, OSRTC to operate their vehicle no.OD16B-5574 & OD16B-5578 & in the interstate route Jharsuguda to Chirimiri and back. Accordingly Managing Director, OSRTC was intimated vide this office letter no.3274/TC dtd02.03.2019 to lift the permits which are not lifted.

Nobody appeared for OSRTC on call. It is decided to revoke the grant order dated 22.01.2019 and to notify the route afresh.

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INTER-REGION ROUTES

2.6: Revocation of Temporary Permit granted to Madhusmita Barik in the route Cuttack to Puri via. Kalpana, Pipili and back.

Smt. Madhusmita Barik, owner of vehicle OD05AU-0199 and Shesadev Mishra, owner of vehicle OD13J-9675 have applied for grant of temporary permit online through Odisha Permit Management System (OPMS) in the route Cuttack to Puri and back against slot No.A23 (06.05) and No.A185 (13.15) from Cuttack and slot No.A107 (09.42) and slot No.A273 (17.24) of final rationalized timing.

Both the applicants are heard.

Since two applications are filed for grant of temporary permit and allotment of timing in slots shown in final rationalized timing of Cuttack / Bhubaneswar - Puri route which was availed by vehicle OR13-4778 covered under permanent permit valid from 24.02.2012 to 23.02.2017, file was processed online through OPMS against vehicle OR05AU-0199 of Madhusmita Barik. Following order was passed on 12.06.2019 by Chairman, STA:-

"TP is granted for 119 days to Sri Shesadev Mishra, the owner of vehicle No.OD13J-9675 who is the applicant at sl No.237 in slots no.A23 (06.05) and A185 (13.15) from Cuttack and A107 (09.42)/A273(17.24) from Puri which were allotted to vehicle No.OR13-4778 owned by him. This is considered as a special case as our office did not detect it earlier to delete it from the rationalized route. But please take steps to find out the expired permits in the rationalized route and declare them vacant. Please complete the exercise in 15 days."

Order was passed by Chairman, STA to grant temporary permit for 119 days to Shesadev Mishra, owner of vehicle OD13J-9675 in the route Cuttack to Puri against sl. No.237 in slots no.A23 (06.05) and A185 (13.15) from Cuttack and A107 (09.42)/A273(17.24) from Puri, inadvertently in the file of the applicant at sl. no.295 i.e. Madhusmita Barik. Taking it as an advantage of the software designed in OPMS, Madhusmita Barik took print out of temporary permit online.

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After detection of such mistake occurred in OPMS application, Madhusmita Barik was directed to surrender the temporary permit. Being aggrieved, Madhusmita Barik has filed W.P. (C) No.27963 of 2019 before Hon'ble High Court which was disposed of on 24.12.2019. Hon'ble High Court has passed the following order:-

"Keeping this view in the matter and as the order vide Annexure-2 has been passed abruptly, this Court permits the petitioner to submit his response to Annexure-2 by 02.01.2020. Decision on the same be taken by the STA within ten days thereafter giving opportunity of hearing to the petitioner likely to be affected. For these period, status quo as on date in respect of plying of vehicle bearing registration No.OD13J-9675 shall be maintained".

Madhusmita Barik and Shesadev Mishra are noticed to appear before STA on 13.01.2019 for hearing.

Applicant Madhusmita Barik, owner of vehicle No.OD05AU-0199 is represented by Advocate Shri Santanu Das. He stated that she has been granted temporary permit in the route Cuttack to Puri via Kalpana, Pipili and back which she lifted from OPMS. After lifting of permit, she has received a letter from the Secretary, STA directing her to surrender the permit as it has been granted to one Shesadev Mishra, owner of vehicle bearing Regn. No.OD13J-9675. That the STA cannot review its own order under the statute and temporary permit issued to Madhusmita Barik cannot be recalled.

Shri Shesadeb Mishra, owner of vehicle No.OD13-J-9675 is represented by Advocate Shri P. Behera and filed hazira. He stated that in absence of order of grant of permit in favour of Madhusmita Barik, issue of permit online is not justified in law and the authority can rectify the mistake. That it would be just and proper to issue temporary permit to Shesadeb Mishra owner of vehicle OD13J-9675 in the route Cuttack to Puri which has been granted online by Chairman, STA.

It is found that due to software problem in OPMS, inadvertently the temporary permit has been shown issued in favour of Madhusmita Barik though temporary permit for 119 days was granted to Shesadeb Mishra on 06.12.2019 which is a system error and cannot be acted upon.

The Chairman has passed order of grant of temporary permit to Shesadeb Mishra online inadvertently mentioning that the vehicle OR13-4778 is owned by

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Shesadeb Mishra. In fact the vehicle OR13-4778 is owned by Kunja Swain as per registration records which was operating on his proposed slot timing.

It is thus established that some apparent error / mistake occurred in the face of record which is considered as sufficient justified ground to review the said order dated 06.12.2019 in which temporary permit was granted to Shesadeb Mishra and issued to Madhusmita Barik.

In view of foregoing discussion and facts on record, after deliberation it was decided to revoke the order passed by Chairman, STA on 06.12.2019 in granting temporary permit to Shesadeb Mishra which was issued to Madhusmita Barik as there is apparent mistake / error in the face of the record. Consequent upon revocation of order as aforesaid, temporary permit lifted by Madhusmita Barik is cancelled. She is directed to surrender the permit forthwith and stop operation of vehicle under that permit.

Since good number of buses are operating between Cuttack to Puri, there is no temporary need to grant temporary permit to either of the applicant. Therefore, applications for temporary permit filed by Shesadev Mishra and Madhusmita Barik are rejected.

As decided by STA in its 259th meeting, the vacant route Cuttack to Puri via Kalpana, Pipili and back operated by Kunja Swain in respect of vehicle OR13-4778 on the strength of permanent permit which was lapsed since 23.02.2017 be notified inviting applications for grant of permanent permit to deserving bus operator on merit.

2.7: Grant of Temporary Permit in the route Baripada to Bhubaneswar via. Bhadrak, Cuttack and back.

Applicant Shri Ranjeet Kumar Senapati, owner of vehicle OR11L-1114 is represented by Advocate Shri A.K. Behera. He stated that he has given written statement which may be considered.

Sri Ranjit Kumar Senapati had applied for grant of Temporary Permit in respect of vehicle OR11L-1114 on the route Baripada to Bhubaneswar via. Bhadrak, Cuttack with proposed set of timings. The said application was placed in the Committee meeting



held on dt.26.11.2018 vide Sl. No.41. Five objections are filed against grant of temporary permit and timing to applicant.

Sri Senapati has filed a Memo in W.P (C) No.18451/ 2019 filed before the Hon'ble High Court of Orissa, wherein orders has been passed "directing the Chairman, STA-opposite party no.2 to look into the grievance of the petitioner involving the writ petition by treating the writ petition as representation and take decision as appropriate but, however involving the parties likely to be affected. Decision, as appropriate, be taken within a period of two months from the date of production of certified copy of this order along with the copy of writ petition by the petitioner."

Timing of stage carriages operating in Bhubaneswar / Cuttack to Bhadrak / Balasore / Baripada / Sheragada / Udala is under rationalization which will be finalized shortly. The vacant slots will be notified in which permits will be considered on merit basis in the interest of traveling public. Grant of temporary permit in the intervening period will make process of rationalization of timing complicated and as stated above there are number of objections are filed against the present applicant. There is no temporary need as envisaged under section 87 of M.V. Act, 1988 to consider application of the petitioner in the route in question as number of stage carriages are operating in the aforesaid route catering needs of travelling public.

After due deliberation it was decided to reject the application for grant of temporary permit filed by Sri Ranjit Kumar Senapati.

2.8: Grant of Temporary Permit in the route Darakhuli to Bhubaneswar via. Kupari, Agarpada and back.

Applicant Shri Ranjeet Kumar Senapati, owner of vehicle No.OR11K-2439 is represented by Advocate Shri A.K. Behera. He stated that he has given written statement which may be considered.

Sri Ranjit Kumar Senapati had applied for grant of Temporary Permit in respect of vehicle OR11K-2439 on the route Darakhuli to Bhubaneswar via. Kupari, Agarpada with proposed set of timings. The said application was placed in the Committee meeting held on dt.28.11.2018 vide Sl. No.148. Three objections are filed against grant of temporary permit and timing to applicant.

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Sri Senapati has filed a Memo in W.P (C) No.18449/2019 filed before the Hon'ble High Court of Orissa, wherein orders has been passed "directing the Chairman, STA- opposite party no.2 to look into the grievance of the petitioner involving the writ petition by treating the writ petition as representation and take decision as appropriate but, however involving the parties likely to be affected. Decision, as appropriate be taken within a period of two months from the date of production of certified copy of this order along with the copy of writ petition by the petitioner."


Timing of stage carriages operating in Bhubaneswar / Cuttack to Bhadrak / Balasore / Baripada / Sheragada / Udala is under rationalization which will be finalized shortly. The vacant slots will be notified in which permits will be considered on merit basis in the interest of traveling public. Grant of temporary permit in the intervening period will make process of rationalization of timing complicated and as stated above there are number of objections are filed against the present applicant. There is no temporary need as envisaged under section 87 of M.V. Act, 1988 to consider application of the petitioner in the route in question as number of stage carriages are operating in the aforesaid route catering needs of travelling public.

After due deliberation it was decided to reject the application for grant of temporary permit filed by Sri Ranjit Kumar Senapati.

2.9:- Cancellation of All Odisha Contract Carriage Permit granted to Urmila Mahala in respect of vehicle OSX-2970.

Heard Advocate Sri M. B. K. Rao, for the permit holder. The above matter was placed in 289th STA Meeting. After due deliberation STA has decided to defer the said matter in next STA Meeting. Accordingly Smt. Urmila Mahala was informed vide letter No.265/TC Dt.06.01.2020 to appear before STA on 13.01.2020 for hearing.

After due deliberation it was resolved to defer the matter to next STA meeting for decision.


18.1.2020
Chairman
STA, Odisha, Cuttack.

Memo No. 991 /TC. 20-01-20

Dt.

Copy to all members of STA for information.


Secretary,
STA, Odisha, Cuttack.