

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWP No. 3222 of 2026****Date of Decision: October 8, 2026**

Anand Moudgil Petitioner

Versus

The State Transport Authority-HP ... Respondent

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.Whether approved for reporting? ¹ Yes.

For the Petitioner: In person.**For the Respondent:** Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocate General with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General.

Sandeep Sharma, Judge(oral)

Precisely, the case of the petitioner, as has been highlighted in the petition and further canvassed by the petitioner, Anand Moudgil, who is present in person, is that impugned order dated 31.1.2025, passed by State Transport Authority (hereinafter, 'STA') has not been signed by all the Members, rather has been issued under the signatures of Member Secretary and Chairman, STA, as such, same has no legal sanctity.

2. Having heard learned counsel for the parties and perused the material available on record, this Court finds that pursuant to order dated 3.11.2025 passed by this Court in CWP No. 6578 of 2024 titled Anand Moudgil v. State Transport Authority and another, petitioner filed an applications for grant of route permits, which could only be decided by STA. Though, in terms of aforesaid direction issued by this Court, meeting of STA came to be convened on 31.8.2025 in the office of Chairman, STA, but therein five members of STA including Member Secretary, STA-cum- Sec-

¹Whether the reporters of the local papers may be allowed to see the judgment?

retary joined through video conference. Petitioner also joined through video conference. After having discussed the matter in detail, STA rejected the applications of the petitioner, vide impugned order dated 31.1.2025.

3. In the afore background, petitioner has approached this Court, in the instant proceedings filed under Art. 226 of the Constitution of India, praying therein for the following main reliefs:

“(i) **ISSUE A WRIT OF CERTIORARI** or any other appropriate writ, order or direction, **quashing and setting aside** the vitiated **order dated 31.01.2025 (Annexure P-2)** passed in the **meeting of STA-HP** chaired by Additional Chief Secretary (Transport)-whose appointment as Chairman stands declared **void ab initio** under **Section 68(2)** of the *Motor Vehicles Act, 1988*, vide judgment of this **Hon'ble Court** in CWP No. 13984 of 2025 dated 11.03.2026 (Annexure P-3); and in light of **Para 61** thereof which expressly **preserves right of aggrieved parties to assail decisions** of the defective **STA body** from the said date;

(ii) **ISSUE A WRIT OF MANDAMUS**, or any other appropriate writ, order or direction, commanding Respondent No.1 (STA-HP)-upon its **reconstitution** pursuant to the judgment dated **11.03.2026** in **CWP nno. 13984 of 2025** – to **consider and decide** the petitioner's two applications dated 24.12.2022 (Annexure P-1) filed under **Sections 70 and 80** of the *Motor Vehicles Act, 1988*, seeking grant of **stage carriage permits** for the routes (i) **Manali-Shimla**; (ii) **Shimla-Chamba**, and to **grant or refuse** the same strictly in accordance with **Section 72 (1)** of the *Motor Vehicles Act, 1988* or the proviso thereto, in terms and conformity with **Para 9** of the judgment dated **02.12.2024** passed by this **Hon'ble Court** in **CWP No. 6578 of 2024** titled **Anand Moudgil v. State Transport Authority, H.P.** (Annexure P-4), which having attained **finality** operates as **binding precedent / issue estoppel** within a period of **two weeks** from the date of order of this **Hon'ble Court**.

4. Though, the petitioner has raised other grounds also but his main argument is that impugned order dated 31.1.2025, which is not signed by members, cannot be said to be valid and legal order, as such, cannot be enforced.

5. Having taken note of aforesaid submission of the petitioner, this court deemed it fit to call upon Member Secretary, STA-cum-Secretary STA to come present in the court. Said officer is in the court and fairly admitted that on 31.1.2025, all the Members including him, joined the meeting of STA through virtual mode. He also admitted that he recorded the proceedings of the meeting himself but through virtual mode and thereafter, he alongwith Chairman, signed the orders and forwarded the same to the petitioner and other stake-holders.

6. Mr. Rajan Kahol, learned Additional Advocate General, on instructions of Member Secretary attempted to argue that once all the Members of STA had participated in the meeting through virtual mode and at no point of time, they raised any protest with regard to proposed order, no illegality can be said to have been committed by the authority, while passing order under the signatures of two members i.e. Member Secretary and Chairman. He further argued that since there was direction passed by this court to decide the matter within four weeks in light of direction passed in CWP No. 6578 of 2024, meeting was convened through virtual mode. Mr. Kahol, learned Additional Advocate General also referred to rule-57 of Himachal Pradesh Motor Vehicles Rules, 1959, which deals with conduct of business of State Transport Authority. The said rule is reproduced herein below:

“57. Conduct of business by the State Transport Authority

(1) The State Transport Authority shall meet at such times and at such places as its chairman may appoint:

Provided that a clear ten day's notice of each meeting shall be given.

- (2) Three members shall constitute a quorum, at a meeting:
Provided that if a quorum is not present within half –an hour after the time fixed for the meeting, the meeting shall be adjourned to such day not earlier than ten days and at such time and place, as the Chairman or in his absence a member acting as Chairman may appoint, and even if at such a meeting a quorum is not present within half-an-hour from the time appointed for the meeting, the members present shall form a quorum.
- (3) The Chairman, if unable to attend a meeting, shall nominate a member to act as Chairman at the meeting and if he fails to nominate a member to act as Chairman, then the members present shall elect a member to act as a chairman at the meeting.
- (4) The chairman or the member acting as chairman shall have a second or casting vote.”

7. While referring to aforesaid rules, Mr. Kahol argued that three members shall constitute quorum and if quorum is not present, within half an hour of the time fixed for meeting, members present shall form the quorum. He attempted to argue that since Chairman was present and proceedings of the meeting were being recorded by Secretary, coupled with the fact that none of Members, who joined through video conference objected to the same, order laid challenge in the instant proceedings, cannot be said to be illegal rather same is required to be enforced.

8. However, having carefully perused the aforesaid rule, this court is not persuaded to agree with Mr. Rajan Kahol, learned Additional Advocate General. As per aforesaid provision, there members shall form quorum in a meeting and in case quorum is not present within half an hour of calling

meeting, meeting is required to be adjourned to such other date, not earlier than ten days and at such a time, and place, as Chairman may appoint, but if in a situation where nobody comes, Members present shall form the quorum.

9. In the instant case, not even the Member Secretary of STA was present in the meeting, rather, he had also joined through video conference, meaning thereby, in such a case, only Chairman, was available in his Chamber.

10. There cannot be any quarrel with the argument advanced by Mr. Kahol, learned Additional Advocate General that meeting can be convened through virtual mode but in that situation, State Transport Authority/Regional Transport Authority is to decide upon procedure of circulation of any matter, which has been considered in meeting and once in a meeting convened through virtual mode, all Members agreed to pass same order, it was incumbent upon Member Secretary, STA to get the signatures of all the members upon the order proposed to be passed. Before obtaining signatures, proceedings recorded by Member Secretary ought to have been circulated amongst the members of STA, who in turn either would have agreed or dissented but in both the eventualities, were required to append signatures on proceedings as well as order proposed to be passed.

11. Interestingly in the instant case, afore procedure never came to be followed, as such, this Court has no hesitation to conclude that the order laid challenge in the instant proceedings has no legal sanctity, and as such, cannot be permitted to sustain.

12. Consequently, in view of above, present petition is allowed. Order dated 31.1.2025 (Annexure P-2) is quashed and set aside with further direc-

tion to the STA to consider and decide the applications of the petitioner afresh, taking note of observations made in the instant proceedings and pass appropriate orders, within four weeks from today. Date and time of such meeting shall be conveyed to petitioner, who shall remain present in such meeting, on the given date and time.

13. Before parting, this Court wishes to observe that while doing the needful, STA may take note of Ss.72(1) and 80 of the Motor Vehicles Act as well as judgments dated 2.12.2024 passed in CWP No. 6578 of 2024 and dated 11.3.2026 in CWP No. 13984 of 2025.

All pending applications, stand disposed of.

No order as to costs.

**(Sandeep Sharma),
Judge**

October 8, 2026
(vikrant)