IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.4550 of 2015 (O&M)
DATE OF DECISION: 31.03.2015

M/s Yogesh Bus Service Regd. Jalandhar, etc.

…..Petitioners

versus

Secretary, Regional Transport Authority, Jalandhar and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rajinder Sharma, Advocate for the petitioners

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The main relief sought by the petitioners is an order directing respondents No.2 and 3 to decide the representation contained in the legal notice dated 15.07.2014 (Annexure P-7).

2. The petitioners' case, *inter alia*, is that a permit had been issued in favour of petitioner No.1 to operate a bus service from Pangota to Dera Baba Jaimal Singh via Dhar, Pathankot, Gurdaspur, Batala, Mehta, Rayya, Beas Route. The permit was for one return trip daily. The particulars of the time-table to be observed were to be approved by the RTA, Jalandhar. The RTA, Jalandhar proposed a particular time-table by a communication dated 19.05.2014. However, one Kamlesh Kaur filed CWP No.11789 of 2014 against STC, Punjab, Chandigarh and others challenging the same. By an interim order dated 10.06.2014, notice of motion has been issued in the said writ petition and, in the meantime, the operation of the communication dated 19.05.2014 has been stayed. The petitioners contend that as a result of this stay, the route on which they are

now entitled to operate is limited by 138 kilometres. They contend, therefore, that the proportionate amount of tax under the Motor Vehicles Taxation (Amendment) Act, 2007 ought to stand reduced. An advocate's notice to this effect dated 15.07.2014 was forwarded by the petitioners to the respondents.

3. It is necessary, in the first instance, for the respondents to take a decision on the petitioners' application. Even if the order dated 10.06.2014 is ultimately modified or vacated, it will still be necessary for the respondents to decide as to whether for the period during which the petitioners were not entitled to operate the permit to its full extent, they are entitled to a reduction in the tax.

4. The petition is, therefore, disposed off directing the respondents No.2 and 3 to decide the petitioners' application/representation dated 03.07.2014/15.07.2014 (Annexures P-6 and P-7). They shall do so within four weeks of being served with a copy of this order.

5. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

31.03.2015 **(G.S. SANDHAWALIA)**
parkash* **JUDGE**