

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.3241 of 2016

Date of Order: 18.02.2016

Behniwal Transport Company Regd. Mansa

....Petitioner

Versus

S.T.A.T, Punjab and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. P.S. Bawa, Advocate for the petitioner.

RAKESH KUMAR JAIN, J

The petitioner applied for regular renewal of Stage Carriage Permit on Rampura-Reond route. Although the application was required to be filed 15 days before the expiry of the permit but the application for renewal of the permit was received by the Regional Transport Authority, Bathinda late by one month and six days. Agenda note of the meeting in respect of this case, along with other items were published in Motor Transport Gazette weekly, Chandigarh dated 15.7.2010 directing the transport company to produce following documents required under Section 81 (4) of the Motor Vehicles Act, 1988 (for short "the Act"):

- "i) NOC from the concerned financers;*
- ii) 81 (4)(b) certificate from the concerned*

District Transport Officer.

lii) Certificate of fitness of the vehicle duly verified by MVI.

iv) Upto dated tax clearance certificate from concerned District Transport Officer.”

The petitioner requested for time to complete the aforesaid required formalities and the case was adjourned to 20.7.2010 but the representative of the petitioner did not produce the aforesaid documents. Still taking a lenient view, case was further adjourned to 30.7.2010. However, the petitioner failed to produce the necessary documents and hence the Regional Transport Authority rejected the application under Section 81 (4) of the Act. Admittedly, the order of the Regional Transport Authority is amenable to appeal under Section 87 of the Act, which is required to be filed within 30 days but the appeal was filed in 2014 to challenge the order of 2010, along with an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay on the ground that the petitioner came to know about the rejection of his application on 03.7.2014 during his visit to the office of the respondents and the copy of the impugned order was received only on 03.7.2014, hence there was delay of only 10 days.

The Appellate Authority found that in the meeting dated 20.7.2010, Gursewak Singh-partner of the petitioner-Firm was present whereas the appeal was filed on 14.8.2014. Explanation tendered by the petitioner that the order was not conveyed to him though he continuously visited the office of the

respondents, was not accepted. It was also not accepted by the Appellate Authority that the petitioner could not come to know about the impugned order passed by the Regional Transport Authority for four years. The Appellate Tribunal, thus, dismissed the appeal of the petitioner vide impugned order dated 30.7.2015.

Learned counsel for the petitioner has submitted that the appeal was not filed earlier because the petitioner was busy before the Licensing Officer-cum-District Transport Officer, Mansa where he was agitating that it is not liable for payment of SRT/MVT for the daily mileage of their above mentioned stage carriage permits. Said petition was allowed on 11.6.2014 and thereafter the appeal was filed on 14.8.2014, hence there was no delay.

I have heard learned counsel for the petitioner and after perusal of the record, am of the considered opinion that there is no substance in his arguments because the order dated 20.7.2010 was passed in the presence of the partner of the petitioner-firm, who had failed to submit four documents mentioned hereinabove and did not file the appeal within 30 days nor even made an effort to procure the impugned order, rather attempt has been made to take shelter of proceedings before the Licensing Officer-cum-District Transport Officer, Mansa. There is no error either in the order of the RTO or in the order of the Appellate Tribunal because it is the fault of the petitioner for not supplying the required documents in time to

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the RTO despite repeated opportunities and not filing the appeal within the prescribed period.

In view of the aforesaid discussion, I do not find any merit in the present petition and the same is hereby dismissed.

February 18, 2016
manoj

(RAKESH KUMAR JAIN)
JUDGE