

CWP No.6083 of 2016

[1]

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

**CWP No.6083 of 2016
Date of decision:12.04.2016**

Manjit Singh

...Petitioner

Versus

The State Transport Appellate Tribunal, Punjab & Ors.

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rohit Kapoor, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner is a small operator having only one bus and one stage carriage permit No.192/RK/75 for plying three return trips on a short distance route of Ludhiana-Sidhwan Bet via Hambran. The regular stage carriage permit held by the petitioner was valid upto 21.10.2013. The petitioner is allegedly making all the payment of the government taxes regularly. The permit of the petitioner had expired on 21.10.2013 and for the purpose of renewal of the permit, he had to apply in terms of Section 81(2) of the Motor Vehicles Act, 1988 (hereinafter referred to as the "Act") within 15 days, prior to the expiry of the permit, but he applied after one year and two months of the expiry of the permit. His application was considered in the meeting held on 10.02.2015 but rejected, the appeal filed by him against that order was also dismissed on 11.08.2015 and hence, the present petition has been filed.

Counsel for the petitioner has vehemently argued that there was

CWP No.6083 of 2016

[2]

a genuine cause on the part of the petitioner in not filing the application for renewal of the stage carriage permit within 15 days prior to the expiry of permit because the petitioner's shop of spare parts was destroyed in a fire for which he had also lodged a DDR on 18.10.2012 and because of that reason, he was under depression. This explanation given by the petitioner did not find favour with the respondents and hence, his application for condonation of delay and for entertaining the application for renewal of permit was declined.

Counsel for the petitioner has reiterated his stand alleging that the petitioner, who had been operating the bus since 1975, committed his first mistake in 2012, for which he should not be penalized.

I have heard learned counsel for the petitioner and perused the record from which it is found that the petitioner has failed to assign "sufficient cause" for the purpose of condonation of delay in filing the application for renewal of permit because even if it is presumed that the shop of the petitioner was destroyed in a fire in October, 2012, the permit, which had expired in October 2013, could have been applied by him within the prescribed time i.e. 15 days before the expiry of the permit. The petitioner has also not placed on record any authentic document from which it can be presumed that he was unable to pursue his remedy before the competent authority.

Consequently, I do not find any reason to interfere in this petition and hence, the same is hereby dismissed.

April 12, 2016
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(Rakesh Kumar Jain)
Judge