

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Review Application No. 298 of 2017 (O&M) in
CWP No. 5867 of 2017
Date of decision: 21.7.2017

The Nayabash Cooperative Transport Society Ltd. and others
.. Petitioners

v.

The State of Haryana and others
..Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ashok Aggarwal, Senior Advocate with
Mr. Amit Jhanji and Mr. Mukul Aggarwal, Advocates
for the applicants.
Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.
Mr. Lekh Raj Sharma, Advocate for the non-applicants/
petitioners.

Rajesh Bindal J.

Reply to the application under Order 1 Rule 10 CPC filed by
the petitioners and status report by way of additional affidavit of Vikas
Gupta, Transport Commissioner, Haryana dated 20.7.2017 filed by the State

in court are taken on record.

In CM No. 8318 of 2017, prayer is for impleadment of the applicants as respondents No. 5 to 14 in the main case.

The applicants herein are the persons, who had applied for issuance of permits under Stage Carriage Scheme, 2016 (for short, 'the 2016 Scheme') for plying their buses on different routes, however, they were issued offer of allotment to enable them to get the bodies on the chassis fabricated or complete other formalities/conditions.

The applicants, while filing application for impleadment as respondents in the writ petition, have also filed Review Application No. 298 of 2017 for review of the order dated 16.5.2017 passed by this court claiming that they are adversely affected by the order, though not party to the proceedings.

Learned counsel for the applicants submitted that as they were not impleaded as respondents in the writ petition filed by the petitioners and they are affected with the order passed, hence, they have filed the application seeking impleadment as respondents in the writ petition and also review of the order. The submission is that this court, while deciding the writ petition, had directed that the State shall be at liberty to issue permits to the applicants who had already registered on the portal of the department "Vahan" under the 2016 Scheme. In the case of the applicants, they had applied for issuance of permits way back in March/April, 2017 for the routes mentioned in the applications. After the requisite conditions were fulfilled, they were granted offer of allotment under the 2016 Scheme for the routes applied for by them. As per the offer of allotment, the applicants were to fulfil the conditions for grant of permits within certain specified

time. It is only after completion of the conditions as prescribed in the offer of allotment that the applicants could get their vehicles registered on the official portal of the department “Vahan” for issuance of permit. As the applicants in the present case had invested huge amount after offer of allotment had been issued to them, their applications for grant of permits have to be considered.

Learned counsel for the State submitted that draft scheme has been notified and published on 23.6.2017. In terms of the provisions of Section 99 of the Motor Vehicles Act, 1988, (for short 'the Act') any applicant can now apply for issuance of a temporary permit for any route including the routes specified in the draft scheme or what is mentioned in the offer of allotment. The application, if any, filed by any applicant for issuance of temporary permit in terms of Section 99(2) of the Act shall be considered and final decision shall be taken thereon within one week from the date of filing thereof subject to fulfilment of all the conditions required for the purpose.

Learned counsel for the writ petitioners submitted that against the order passed by this court on 16.5.2017, which is under review, Special Leave to Appeal (C) Nos. 16503 of 2017—Nayabash Cooperative Transport Society Ltd. v. The State of Haryana, has been filed by one of the writ petitioner, in which notice has been issued on 4.7.2017 but no interim stay has been granted. He further submitted that the review applicants never raised any grievance for issuance of permits to them during the pendency of the writ petition before this court. He further submitted that genuineness of offer of allotment placed on record by the review applicants is in doubt.

Heard learned counsel for the parties and perused the paper book.

The writ petition along with other connected cases was initially filed seeking to challenge the notification dated 17.2.2017 notifying the Stage Carriage Scheme, 2016 for issuance of Stage Carriage Permits under the Act. As during the pendency of the writ petitions, the State decided to cancel the 2016 Scheme and issue a fresh draft modified scheme, the writ petitions were disposed of giving liberty to the State to notify the draft scheme and finalise the same within six months. During the interregnum, to take care of the requirement of the passengers, permit holders under the 2016 Scheme were permitted to ply the buses. The State was also at liberty to issue permits to the applicants who had already registered their vehicles on the portal of the department “Vahan”.

The grievance of the applicants is that in fact, they had applied for issuance of permits and had been issued offer of allotment in March/April, 2017. On fulfilment of conditions laid down in the offer of allotment within the specified time, permits were to be issued and the applicants were also required to be considered for allotment of temporary permit treating them to be applicants before the order was passed by this court.

Be that as it may, in our opinion, that issue is not required to be considered for the reason that the stand taken by the State is that the draft scheme has been notified on 23.6.2017 and any applicant can apply for issuance of a temporary permit on the routes, as specified in the draft scheme, or of his choice including the routes mentioned in the offer of allotment. On fulfilment of the conditions required for the purpose, the application so filed shall be considered and final decision shall be taken

thereon within a period of one week from the date of filing of the application. Let the needful be done.

The aforesaid interim arrangement is till the final Stage Carriage Scheme is notified in supersession of the 2016 Scheme.

With the aforesaid modification in the order passed on 16.5.2017, the review application is disposed of.

(Rajesh Bindal)
Judge

(Ramendra Jain)
Judge

July 21, 2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No