

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24340 of 2013

Sudhir Kumar, son of Sri Ram Nandan Singh, Village - Pahsara, P.S. -
Nawkothe, District - Begusarai

... .. Petitioner

Versus

1. The State Of Bihar, through Secretary Department of Transport
2. The Bihar State Road Transport Corporation at Pariwahan Bhawan, Birchand Patel Path, Patna through Chief of Operation
3. Chairman, Administrator Bihar State Road Transport Corporation at Pariwahan Bahwan, Birchand Patel Path, Patna
4. The Chief Mechanical Engineer, Bihar State Road Transport Corporation at Pariwahan Bhawan, Birchand Patel Path, Patna
5. Regional Transport Authority, Munger Through Secretary

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Badri Narayan Singh, Mr. Sanjay Kumar Pandey Mr. Manoj Kumar, Advocates
For the Respondents	:	Mr. Ajay Bihari Sinha, GA 8 Mr. Suryakant Kumar, AC to GA 8
For Respondent-BSRTC	:	Mr. P.K. Verma, Sr. Advocate Mrs. Jahan Ara, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 12-12-2018

I.A. No. 9036 of 2018

The interlocutory application has been filed with a prayer to dispose of the writ application with observation that as the route in question Begusarai to Bhagalpur is not a route nationalized for the exclusive operation of BSRTC, so the agreement under P.P. Mode is invalid hence the BSRTC may be directed to return the 10% or 7% of the seat rent realized by the BSRTC from the petitioner for this route Begusarai to Bhagalpur under P.P. Mode Scheme.

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated as forming part of the writ petition.



CWJC No. 24340 of 2013

3. The main writ petition has been filed for a direction to the respondent-Bihar State Road Transport Corporation (for short, “BSRTC”) not to proceed to make contract with other bus operators on the route Bhagalpur to Begusarai violating the terms of agreements under P.P. mode scheme made with this petitioner.

4. Learned counsel for the petitioner raises a short submission to the effect that in view of the various notifications, there finally remained only 18 routes notified for exclusive operation of BSRTC in which the subject route Begusarai to Bhagalpur was absent. It is therefore submitted that the respondent-BSRTC is liable to refund the share of seat rent realized by it from the petitioner for this route under P.P. Mode Scheme.

5. Mr. P.K. Verma, learned senior counsel appearing on behalf of the respondent- BSRTC, submits that the prayer made in the main writ petition and the relief sought in I.A. No. 9036 of 2018 are diametrically opposed to each other. The prayer of the petitioner was originally to ensure that only his buses would exclusively ply on Begusarai-Bhagalpur route to exclusion of all others but subsequently, the petitioner appears to have changed tack, seeking refund of the seat rent realized by BSRTC from the petitioner himself. Moreover, the petitioner is not entitled to any relief from this Court inasmuch as shortly prior to filing of the writ petition, the petitioner had entered into a fresh agreement dated 04.10.2013 (Annexure-A to the counter



affidavit), a copy whereof has been enclosed, which fact has been suppressed in the writ petition. Significantly, the petitioner has also not challenged the validity of the permit granted by the State Transport Authority in favour of BSRTC pursuant to which the petitioner has been plying his buses under the agreement with BSRTC.

6. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court is not inclined to interfere in the matter. Learned counsel for the petitioner has not been able to dispute non-disclosure of the fact of fresh agreement having been entered into on 04.10.2013 in the writ petition nor in the interlocutory application subsequently filed. In any case, the petitioner has also not challenged the validity of the permit itself issued by the State Transport Authority in favour of BSRTC rather he has been plying his buses and enjoying the fruit of the agreement entered into between the petitioner and BSRTC pursuant to such permit.

7. The writ petition accordingly stands dismissed.

BT/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.12.2018
Transmission Date	N.A.

