

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

CWP No.10439 of 2018
Date of Decision:03.05.2018

M/s New Patiala Bus Service (Regd.)

. Petitioner

Vs.

The State Transport Commissioner, Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Raj Kaushik, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for the issuance of a writ for quashing the order dated 19.2.2018 passed by the State Transport Appellate Tribunal, Punjab by which an appeal filed by the petitioner under Section 89 of the Motor Vehicle Act, 1988 [for short 'the Act'] against the order dated 24.9.2008 passed by the State Transport Commissioner, Punjab in regard to grant of two stage carriage permits for plying one return trip daily on Samana-Kapurthala via Patiala, Ludhiana route to Pepsu Road Transport Corporation has been declined on the ground of limitation.

During the course of arguments, learned counsel for the petitioner has fairly conceded that the period of 30 days is provided under the Punjab Motor Vehicle Rules, 1989 [for short 'the Rules'] for filing an appeal before the State Transport Appellate Tribunal against the order of State Transport Commissioner.

Learned counsel for the petitioner has submitted that since the Hon'ble Supreme Court, vide its order dated 05.01.2016, has

allowed the petitioner to move the appropriate Forum, therefore the appeal was filed within 30 days whereas the Appellate Tribunal has dismissed the appeal on the ground that the petitioner did not file any application for condonation of delay. It is submitted that once the permission has been granted and the appeal has been filed within 30 days thereafter then there is no question of seeking any kind of permission or condonation of delay, if any.

I have heard learned counsel for the petitioner and after taking into consideration the facts and circumstances, am of the considered opinion that there is no merit in his submissions because the Hon'ble Supreme Court did not pass any order in regard to condonation of delay. All that has been observed in the order dated 05.01.2016 is that the petitioner may move the appropriate Forum. The petitioner has challenged the order dated 24.9.2008 by way of an appeal filed under Section 89 of the Act for which period of limitation, as provided in the Rules, is 30 days. Learned counsel for the petitioner has also not denied that if there is a delay in filing of the appeal, the appellate authority has the jurisdiction to condone the same in terms of Section 5 of the Limitation Act, 1963, if sufficient cause is shown. He has also not denied that the petitioner did not file any application for condonation of delay assigning reasons for not approaching the court in time. The petitioner has only relied upon the order of the Hon'ble Supreme Court. I agree with the observations made by the State Transport Appellate Tribunal in dismissing the appeal of the petitioner on the ground of limitation as the petitioner was required to file separate application for condonation of delay assigning reasons therein for approaching the State Transport Appellate Tribunal after a

considerable delay of 8 years. Thus, in view thereof, there is hardly any reason for this Court to interfere in this petition.

Dismissed.

03.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned :

Whether Reportable :

Yes/No

Yes/No