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

**Review Application No.341 of 2016 in
CWP No.14694 of 2005
Date of decision: 22.5.2019**

Badesha Bus Service Regd. Bhathina

...Applicant-Petitioner

Versus

State Transport Appellate Tribunal, Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

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

Ms. Simran Grewal Randhawa, AAG, Punjab

G.S.SANDHAWALIA, J. (Oral)

Through the present application, review of order dated 2.8.2016
has been prayed for. The order reads as under:-

“Challenge in the present writ petition is to the order dated 20.07.2005 (Annexure P-6) passed by respondent no. 1, which upheld the order dated 27.05.1996 (Annexure P-4) and the application of the petitioner for grant of one regular stage carriage permit to operate 4 return trips from Bathinda-Bhadaur via Rampura was declined and was granted in favour of respondents no. 4 and 5.

A perusal of the said order would go on to show that the said permission was for a period of 5 years from the date of the issue of the same. The said period has already expired and, therefore, it is apparent that the writ petition has been rendered infructuous.

Disposed of accordingly.”

One of the ground for seeking review of the said order is that
the permit granted in favour of respondent no.4 is lying vacant. In reply to

the review application, respondents do not dispute the fact that Pepsu Road Transport Corporation, Bathinda (PRTC) had not got the said stage carriage permit renewed or surrendered or deposited the same in the office of the authority on 29.5.2011. However, objection taken as per paragraph no.8 is that in view of the judgment of the Apex Court in **Civil Appeal No.3879 of 2010 (arising out of SLP(C) No.14318 of 2007) titled Punjab Roadways, Moga Vs. Panja Sahib Bus & Transport Co.,** the stage carriage permit surrendered by the State Transport Undertakings cannot be granted in favour of a private operator as it would amount to disturbing the ratio of permits/mileage provided in the Transport Scheme.

Mr. Kashik, counsel for the applicant-petitioner submits that temporary permit can still be granted.

If the same is permissible in accordance with the scheme of the Act, it is always open to the petitioner to file a fresh application before the authority concerned for consideration.

Faced with this situation, counsel for the applicant-petitioner does not wish to press the present review application and prays that the same be dismissed as not pressed with liberty to approach the authority concerned.

Ordered accordingly.

May 22, 2019
Pka

(G.S.SANDHAWALIA)
Judge