

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

**CWP No. 38018 of 2018
Date of Decision: 08.07.2019**

M/s Khatra Bus Service Regd.

...Petitioner

Vs.

The Presiding Officer and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anil K. Ahluwalia, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. The plea taken in paragraph 4 of the writ petition is not that the orders were not conveyed to the petitioner and he came to know of them only on 23.05.2011 and applied for a certified copy of the order which was supplied to him on the same date. The orders which were kept reserved when the meeting of the Regional Transport Authority was held for granting stage carriage permits on the Pathankot-Ludhiana route. The petitioner was not a successful applicant. The route permits were granted to PRTC for a period of 05 years.

2. The appeal against the order was dismissed as infructuous by order dated 17.10.2012 on the basis of notification dated 20.12.2011 issued in modification of the notification dated 09.08.1990.

3. Clause VIII of the notification dated 20.12.2011 was declared illegal in a judgment of this Court rendered on 20.12.2011.

Thereafter, the petitioner filed CWP No. 6866 of 2017 in this Court which was decided on 11.05.2017. The Court was of opinion that the petitioner is claiming review of the order dated 17.10.2011 on a basis of the subsequent judgment dated 20.12.2011 which came into operation after the passing of the impugned order.

4. In these circumstances, the Court held that the only remedy available to the petitioner was to seek enforcement of any legal right accruing from the subsequent judgment dated 20.12.2011 or to approach the Appellate Tribunal for the revival of the appeal. With these observations, the appeal was dismissed as sufficient ground was not found to set aside the order dated 17.10.2012. This is how petitioner approached the Appellate Court. The appeal has been dismissed on the ground that the State Transport Appellate Tribunal has got no jurisdiction to record or tamper with the order dated 17.10.2011 passed by his predecessor Tribunal. The Tribunal has pointed out that there is no provision of review in the Motor Vehicles Act, 1988. This plea of absence of knowledge of the order admittedly was not pleaded in the earlier writ petition and has been raked up for the first time in this petition. Besides, the delay between 2012 to 2017 is a long unexplained gap without there being any sufficient cause shown or due diligence in pursuing the case and failing to seek available legal remedies within reasonable time. That the petitioner had no knowledge of the STC order for such a long time is difficult to believe.

5. I find no ground to interfere in the petition and hereby dismiss it.

(RAJIV NARAIN RAINA)
JUDGE

08.07.2019
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*