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15.01.2021
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WPA 837 of 2021

Brojen Kumar Koley
Vs.
The State of West Bengal & Ors.

Mr. Sanat Kumar Roy
Mr. Abhishek Banerjee.
... for the petitioner.

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu.
... for the State.

The grievance of the petitioner is that in respect of his application for extension of his contract carriage permit, the respondent authority has rejected the same by showing a reason to the effect that proposed route not considered as extension is not applicable for contract carriage permit as per Section 80(3) of Motor Vehicles Act, 1988.

Learned advocate for the petitioner submits that from Section 80(3) and also from the definition of permit as given in Section 2(31) of the aforesaid Act, it is clear that the decision of the authority is wholly wrong. He further submits that it cannot be said that the provision laid down in Section 80(3) is only for stage carriage and not for contract carriage.

Mr. Sen, Learned advocate appearing for the

respondent-authority after going through the above sections submitted that the grievance requires reconsideration by the authority.

In the facts and circumstances as aforesaid, I set aside the entry made in respect of application of Brojen Kumar Koley as was resolved in the RTA Board meeting on 28th June, 2019 while considering High Court cases and others. I direct the RTA Board to consider the application of the petitioner Brojen Kumar Koley afresh and to pass a reasoned order after considering the true meaning and scope of Section 80(3) read with Section 2(31) of the Motor Vehicles Act, 1988. The matter is required to be reconsidered within a period of two months from the date of communication of this order.

With the above direction, WPA 837 of 2021 is stands disposed of without any order as to costs.

(Abhijit Gangopadhyay, J.)