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(Via Video Conference)

W.P.A. 13450 OF 2021

Apex Tours, a partnership firm
represented by one of its partners
Gurinder Singh Chohan

Vs.

State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Soumen Bhattacharjee.

.... For the Petitioner

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu.

.....For the State

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated July 19, 2021 passed by the State Transport Authority, West Bengal rejecting All India Tourist Permit to be granted to the petitioner on the ground that the petitioner had not produced the recognition certificate as per Rule 3 of The Motor Vehicles (All India Permit For Tourist Transport Operators) Rules, 1993.

Rule 3 of The Motor Vehicles (All India Permit For Tourist Transport Operators) Rules, 1993 is as follows :

“3. Authorisation certificate shall be issued only to a tourist transport operator recognised by the Department of Tourism of the Central Government.”

Mr. Debabrata Saha Roy, counsel appearing on behalf of the petitioner submits that Rule 3 of The Motor Vehicles (All India Permit For Tourist Transport

Operators) Rules, 1993 is with respect to an authorisation certificate that is to be granted to tourist transport operators and is not a recognition certificate. It is his submission that only after obtaining the tourist permit he can apply for authorisation under Rule 3 of The Motor Vehicles (All India Permit For Tourist Transport Operators) Rules, 1993. He further submits that none of the conditions in the original 'Offer Letter' require an authorisation certificate under Rule 3 of The Motor Vehicles (All India Permit For Tourist Transport Operators) Rules, 1993.

Mr. Sen, counsel appearing on behalf of the respondent authorities argues that in most cases authorisation certificate and permit are issued together. He has placed reliance on Rule 83 of The Central Motor Vehicles Rules, 1989.

Upon perusal of the said rules, it appears that the authorisation can only be granted to valid permit holders and not the others.

In light of the same, I am of the view that the impugned order is without any basis and is required to be quashed and set aside.

Accordingly, I quash and set aside the impugned order and direct the authorities concerned to grant renewal of All India Tourist Permit to the petitioner within a period of six weeks from date.

With the above observation, the writ petition is disposed of. There will be no order as to costs.

Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Shekhar B. Saraf, J.)