

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.296 OF 2021

VAGATOR CAISUA TAXI OWNERS
ASSOCIATION,
THR. ITS PRESIDENT,
ROHIDAS BABU NAIK AND 4 ORS

... Petitioners

Versus

STATE OF GOA,
THR. CHIEF SECRETARY AND 2 ORS

... Respondents

Mr. C. A. Ferreira and Mr. D. Zaveri, Advocates for the
Petitioners.

Mr. D. Pangam, Advocate General with Ms. Maria Correia,
Additional Government Advocate for the Respondents.

**CORAM: M. S. SONAK &
SMT. M. S. JAWALKAR, JJ**

DATED: 6th September 2021

P.C.

1. Heard Mr. C. A. Ferreira, learned counsel for the
Petitioners, and Mr. D. Pangam learned Advocate General who
appears along with Ms. Maria Correia, learned Additional
Government Advocate for the Respondents.

2. Although, the relief applied for in this petition is molded
in the innocuous term, we are satisfied that this is yet another
attempt to willfully flout Rule 140 of the Goa Motor Vehicles
Rules, 2015 which mandates that every motor cab plying in the

State of Goa shall be fitted with a fare meter of digital type with printer and Global Positioning System (GPS) tracking device approved by the State Transport Authority from the date as may be notified by the Director of Transport.

3. There is no dispute that the STA after its due and deliberations has not only approved necessary devices but further, the Director of Transport has also notified the same.

4. Since there was no implementation of provisions of Rule 140, several petitions were instituted and therein directions were issued from time to time requiring such compliance. One such order is to be found at Annexure P-3 on page 49 being an order dated 05.07.2019 in Writ Petition No.1175 of 2016 instituted by Travel and Tourism Association of Goa (TTAG) and others V/s State of Goa.

5. Since there was no compliance with our directions the TTAG instituted Contempt Petition No.8 of 2021. Therein on 1st July 2021, the Director of Transport, filed an affidavit dated 11.06.2021 assuring us that all steps will be taken to comply with the mandate of Rule 140 as also our directions concerning its implementation. A schedule under the title "*Schedule of Final Fitment Deadline*" was also furnished to us setting out the timeline within which the meters will be installed and on

failure, the permits issued to the defiant cab-owners were to stand canceled.

6. This petition is instituted by Vagator Caisua Taxi Owners Association. Mr. Ferreira states that this Association might have about 200 members. He admits that Petitioner Nos. 3 and 5 have not installed the meters and therefore their permits have already been canceled. He submits that he has no instructions about whether other members of this Association have installed meters or not. He however submits that possibly that slot-time allotted to them for installation of meters is yet to be reached. He submits that he is not in a position to make any statement as to whether other members will install digital meters as amended by Rule 140 of the said Rules within the time- slot allotted to them.

7. Mr. Ferreira submits that there can be no harm if the Respondents are only directed to consider the representation dated 16.06.2021 because the Petitioners have offered some alternate devices.

8. The representation dated 16.06.2021 has been made by the North Goa Tourist Taxi Owner's Association which is different and distinct from Petitioner No.1 which is Vagator Caisua Taxi Owners Association. There is a statement that the Petitioner Nos. 2 to 5 are also members of North Goa Tourist

Taxi Owner's Association. This statement does not entitle the Petitioners to refer to the representation made by the North Goa Tourist Taxi Owner's Association and seek a mandamus for consideration of such representation.

9. In any case, the Petitioners, have failed to demonstrate any provision which entitles them to require the Respondents to consider the representation for installation of alternate digital meters. This petition has been filed belatedly only to stall the process of installation of digital meters and therefore, there do not appear to be bonafide in the institution of this petition. Any direction in this type of petition is bound to be construed as a license not to install the digital meters or at least delay the same and therefore, such a direction can even otherwise not be given in this petition.

10. The Petitioners are also determined not to install the digital meters even though Rule 140 of the said Rules requires them to do so. There are orders of this Court requiring the State Government to ensure that the digital meters are indeed installed. The Petitioners have neither demonstrated any legal right possessed by them nor any corresponding legal duty on the Respondents. There is not even any demand for justice. The entire attempt is to stall the implementation of the statutory rules and defy orders of this Court directing implementation. Having regard to the conduct of the

Petitioners and the lack of bonafide in instituting this petition no relief can be granted to them in this petition.

11. At this stage, it is necessary to note that yet another attempt was made by All Goa Private Bus Owners Association by instituting Writ Petition No.1648 of 2021 (Filing No.) to again delay the implementation of Rule 140 of the said Rules. This attempt did not meet with much success as it is evident from the order dated 11th August 2021 made in the said petition. Mr. Ferreira states that the Petitioners' Association has no truck with All Goa Private Bus Owners Association.

12. For all the aforesaid reasons, this petition is dismissed. There shall be no order as to costs on this occasion.

SMT. M. S. JAWALKAR, J

M. S. SONAK, J.

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