

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

Date of Decision: 26.07.2021

(1) CWP-10296-2021

M/s Rajguru Bus Service Regd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(2) CWP-10456-2021 (O&M)

M/s Patiala Express

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(3) CWP-10457-2021 (O&M)

M/s Jujhar Construction and Travels (P) Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(4) CWP-10458-2021 (O&M)

M/s New Deep Motors Regd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(5) CWP-10459-2021 (O&M)

M/s Dabwali Transport Company

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(6) CWP-10460-2021 (O&M)

M/s Rajdhani Transport Company

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(7) CWP-10463-2021 (O&M)

M/s New Deep Bus Service Regd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(8) CWP-10467-2021 (O&M)

M/s Orbit Aviation Pvt. Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(9) CWP-10482-2021

M/s Prince Highways Pvt. Limited, Jalandhar and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(10) CWP-10484-2021 (O&M)

M/s Jujhar Passenger Bus Service Pvt. Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(11) CWP-10488-2021

M/s Rajguru Bus Service (Regd.), Fatehgarh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(12) CWP-10619-2021 (O&M)

M/s Raj Transport Company Pvt. Ltd. and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(13) CWP-10721-2021

M/s Border Linkers Transport Regd., Amritsar and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(14) CWP-11490-2021

M/s United Bus Service Regd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(15) CWP-11494-2021

M/s Jhajj Express Regd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(16) CWP-11495-2021

Abohar Bahawalpur Purcharhi Coop. Transport Society Ltd., Abohar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(17) CWP-11496-2021

M/s Sidhu Transport Co. Regd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(18) CWP-11497-2021

Dashmesh Transport Company Regd., and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(19) CWP-11498-2021

M/s Mandeep Bus Service Regd., Rama, District Bathinda

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(20) CWP-11500-2021

Metro Transporters Regd., Sangrur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(21) CWP-11502-2021

M/s Shiv Motors Regd., Patran, District Patiala

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(22) CWP-11504-2021

Lyallpur Motors Regd., Kalanaur and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(23) CWP-11505-2021

M/s Ravidass Transport Company (Regd.) Dera Bassi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(24) CWP-11506-2021

Rajdeep Bus Service (Regd.)

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(25) CWP-11508-2021

Katra Motors Regd., Ajnala and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(26) CWP-11509-2021

Ahluwalia Bus Service Regd. and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(27) CWP-11510-2021

Patiala Bus Highways Service Regd., Patiala

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(28) CWP-11513-2021

M/s Khattra Bus Service Regd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(29) CWP-14841-2018

M/s Dabwali Transport Co. Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(30) CWP-22857-2019

M/s Sukhwindra Bus Service (Regd.), Patiala

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE.**

Present : Mr. Puneet Bali, Senior Advocate, with
Mr. Vibhav Jain, Advocate,
Mr. Uday Agnihotri, Advocate, for the petitioner(s)
in CWPs No. 10296, 10457, 10458, 10459, 10460, 10463, 10467,
10482, 10484, 10488, 11490, 11494, 11495, 11496, 11497, 11498,
11500, 11502, 11504, 11505, 11506, 11508, 11509, 11510, 11513
of 2021, 14841 of 2018 and 22857 of 2019.

Mr. Ashwani Kumar Chopra, Senior Advocate, with
Mr. Brahmjot Singh Nahar, Advocate,
for the petitioner in CWP-10456-2021.

Mr. A.M. Punchhi, Advocate, with
Mr. Anupam Bansal, Advocate,
for the petitioners in CWP-10721 of 2021.

Mr. Rohit Kapoor, Advocate,
for the petitioners in CWP No. 10619-2021.

Mr. P. Chidambaram, Senior Advocate, with
Ms. Anusha Nagrajan, DAG, Punjab, for the respondents
in CWP-10296-2021.

Mr. Atul Nanda, Advocate General, Punjab, with
Ms. Amanat Chahal, Assistant Advocate General, Punjab,
for the respondents in the remaining writ petitions.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

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RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

These petitions have been filed challenging the show cause notices issued by the Regional Transport Authorities/State Transport Commissioner proposing cancellation of repeated extensions/variations and increase/decrease in trips in respect to the stage carriage permits granted under the Motor Vehicles Act, 1988 (hereinafter referred to as 'the 1988 Act).

2. The issues involved in all these petitions being identical, these were clubbed and are being heard together.

3. During the course of hearing in these matters and in view of the factual and other issues argued before this Court, the parties had sought time to clarify and submit an affidavit regarding the details of the permits issued to the petitioners, the applicability and impact of the scheme framed under Chapter-VI of the 1988 Act on the subsequent or existing permits issued under Chapter-V of the 1988 Act as well as the decision of this Court dated 20.12.2012 in M/s Vijayant Travels and another vs. State of Punjab and others (CWP No.15786 of 1999).

4. On the previous date of hearing, it was also pointed out that while this Court was only being urged to examine the issue of jurisdiction of the authority to issue the impugned show cause notices, a decision in that regard would also require this Court to examine certain factual aspects as well as the implication and impact of the scheme framed under Chapter-VI on the permits issued under Chapter-V of the 1988 Act and the decision of this Court in M/s Vijayant Travels and another (supra).

5. When confronted with the above aspects, on the previous date, learned senior counsel for the petitioners having argued the matter at length had sought time to seek instructions from the petitioners as to whether they would wish to press the issue of jurisdiction raised before this Court in the present proceedings or instead opt for submitting a response to the show cause notices raising all possible pleas including even the question of jurisdiction of the authorities to issue any such notices.

6. Today, upon instructions, learned senior counsel for the petitioners submits that he be permitted to withdraw these petitions with liberty to the petitioners to submit detailed/comprehensive responses/replies to the show cause notices. Further, he submits that cases in which the petitioners have been issued fresh show cause notices, a period of four days be granted to furnish additional replies raising all possible/necessary issues. And in the event, upon consideration of the matter, any adverse orders are passed by the authorities against the petitioners, the same be kept in abeyance for a week to enable them to avail further remedies, as shall be admissible in law.

7. In response, learned Advocate General as also the learned senior counsel appearing for the State of Punjab submit that all the issues that shall be raised by the petitioners in response to the impugned show cause notices shall be duly considered by the appropriate authority and only thereafter the matter would be decided by passing a reasoned order. It is submitted for the remedy/procedure to assail any such order, that shall be passed, is duly prescribed under the 1988 Act, in the event, the petitioners are aggrieved, they would be free to avail those and even pray for interim reliefs before the concerned authority.

8. Having heard learned counsel for the parties and in the wake of the statement made by learned senior counsel for the petitioners in particular, all these petitions are dismissed as withdrawn with liberty to the petitioners to submit response/reply, in case not already filed, to the impugned show cause notices. The petitioners shall also have the liberty to submit additional response/reply to the fresh/subsequent show cause notices, as indicated above, within four days. It is clarified that this liberty shall be confined to the petitioners before this Court only. Further, the Regional Transport Authorities/State Transport Commissioner, before deciding the matter, shall also afford an opportunity of hearing to the petitioners. We are sanguine that the authorities would duly consider all the issues that shall be raised by the petitioners in their response to the impugned notices and shall thereafter decide the matter by passing a reasoned order. For the petitioners are existing operators, who have been plying their buses since long and had the benefit of interim protection granted by this Court, it is observed that in the event any adverse orders are passed against them by the authorities, the same shall be kept in abeyance for a period of one week to enable them to avail the remedies admissible in law.

9. With the aforesaid observations and directions, all these petitions are dismissed as withdrawn with the liberty aforesaid.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.07.2021
ravinder

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No