

22nd June,
2022
(AK)
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W.P.A 10988 of 2022

Subhendu Sekhar Patra
Vs.
The State of West Bengal and others

Mr. Sakti Pada Jana
...for the petitioner.

Mr. Amal Kr. Sen
Mr. Jaladhi Das
...for the State.

The grievance of the petitioner is that the petitioner having applied for a permanent Stage Carriage permit for plying his bus on the route Belut to Jabbalpur, the Secretary, Regional Transport Authority, Bankura insisted upon the production of a vehicle by the petitioner of Bharat Stage-IV model or higher, whereas, as per the extant Notification dated August 7, 2012, Bharat Stage-III vehicles would suffice for areas in which the petitioner seeks to ply the vehicle.

It is further submitted that a prior application for similar permit from Belut to Silda was also filed by the petitioner before the Jhargram authority, although the Jhargram authority has not yet reciprocated.

It is submitted by learned counsel for the petitioner that although the permit granted by the Bankura authority covers a route from Belut to Jabbalpur, both of which fall within the District of Bankura, the petitioner is satisfied with plying the bus on such route without

insisting upon completion of the reciprocal process in respect of the Belut to Silda route.

It is submitted, however, that the insistence of the Bankura authority on BS-IV model vehicle is *de hors* the law.

Learned counsel appearing for the respondent authority submits that, within the contemplation of Section 68(3)(c) of the Motor Vehicles Act, 1988, it is for the State Transport Authority, that is, the STA to decide if there is a difference in opinion between two Regional Transport Authorities.

It is, thus, submitted that the matter ought to be heard by the SDA concerned.

Learned counsel for the petitioner places reliance on an unreported judgment of this court delivered in April 8, 2022 in *WPA 5633 of 2022 (Rabideb Mukherjee vs. The State of West Bengal and others)*, wherein a similar clause, insisting upon Bharat Stage-IV model of vehicle, was struck out by the court, in view of the same being *de hors* the same Notification as involved herein.

Upon hearing learned counsel for the parties, it transpires that, as per the Notification dated August 7, 2012 issued by the Transport Department, Government of West Bengal (No. 2767 -WT/3M-21/2012), in case of inter-regional Stage Carriage Permits governed by Schedule-II (Clause D), which is in respect of the whole of West Bengal excepting Kolkata Municipal Corporation

area and areas under Salt Lake and Lake Town Police Stations, such permits shall be granted in the event Bharat Stage-III norms are complied with.

In the present case, by virtue of the provisions of Sections 88 of the 1988 Act, read with Rule 103 of the West Bengal Motor Vehicle Rules, 1989, in conjunction with the above Notification, it is clear that Bharat Stage-III model vehicles would suffice for grant of such permits.

Hence, WPA 10988 of 2022 is allowed, thereby directing the Regional Transport Authority, Bankura to grant permanent Stage Carriage Permit for the bus of the petitioner from the route Belut to Jabbalpur, as enumerated at page-28 (Annexure-P4) of the writ petition, in terms of the permit dated April 25, 2022, without insisting upon production of a BS-IV or higher model vehicle.

Clause 1 of Memo No.606/M.V. dated April 25, 2022 issued by the Secretary, Regional Transport Authority, Bankura is deemed to stand hereby cancelled, subject to compliance of all formalities by the petitioner.

It is made clear that necessary consequential steps shall be taken by the RTA, Bankura at the earliest, for finalization of the process of grant of permanent Stage Carriage Permit on the above terms.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)