

13.12.2023
Sl. No. 19
Court No.2
Sandip

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side**

W.P.A. 2418 of 2023

North Bengal Motor Transport Association
vs.
The State of West Bengal & Ors.

Mr. Bikramaditya Ghosh,
Ms. Supriya Singh ... for the petitioner

Mr. Hirak Barman,
Mr. Momenur Rahman ... for the State.

Mr. Satyaki Basu ... for the respondent no. 13.

The petitioner is the association of Owners of the buses plying in the route between Alipurduar and Sankosh.

The petitioner is complaining that the Secretary, Regional Transport Authority, Alipurduar, the respondent no. 4 herein by the impugned Memo bearing No. MV/DM/APD757/1(6)/23 dated September 20, 2023 has inducted seven new buses in the said route and has framed a time table for those buses, upsetting the existing time table for the route.

This Court is informed that the said existing time table is framed by the petitioner association.

The authority, to frame the time table for Stage Carriage under The West Bengal Motor Vehicles Rules, 1989, vests with the transport authority and Rule 119 thereof provides that in all cases of disputes of time table for Stage Carriage in a route or area, the decision of the transport authority granting the permit or of the

Officer authorized under the Rules, shall be final, the respondent no. 4 appears to be such an authority.

To set the dispute at rest, the respondent no. 4 is required to frame a fresh time table for all the buses including the said new seven buses plying in the route between Alipurduar and Sankosh.

The respondent no. 4 shall frame such time table by holding a meeting with the President of the petitioner association and the owners of said new seven buses, the added respondents herein. The drill in this regard must be completed within a period of two weeks from the date of communication of this order.

W.P.A. 2418 of 2023 is thus disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)