

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 19833 of 2022

Arif Hussain

Vs.

State of West Bengal & Ors.

with

WPA 19385 of 2022

Md. Arif Hussain

Vs.

State of West Bengal & Ors.

For the Petitioner : Mr. Sattwik Bhattacharya
: Mr. Aashutosh Bhattacharyya
: Mr. Titas Niyogi
: Mr. Aritra Roy

For the State : Mr. Pantu Deb Roy, Ld. AGP
: Mr. Pannalal Bandopadhyay

Judgment on : **10.06.2026**

Uploaded on : **10.06.2026**

Rai Chattopadhyay, J. :-

- (1)** The two above mentioned writ petitions are filed by the same petitioner, to seek relief with respect to the different vehicles and permits of him, on different routes. In WPA No.19833 of 2022, the writ petitioner has prayed for the relief that the respondent authority may be directed to issue forthwith the permanent stage carriage permit on the inter-State route from Kolkata to Khesar [342 Kilometers], as against the existing vacancy of 3 permits for West Bengal State, without giving effect to the impugned resolution dated November 27, 2020 and January 29, 2021[7th Agenda], in respect of the petitioner's two vehicles bearing No. WB-76A/6694 and WB-76A/6717. He seeks that his representation to that effect, dated September 21, 2020, be accordingly disposed of by the authority.

- (2) In WPA No.19835 of 2022, the writ petitioner has prayed for the relief that the respondent authority may be directed to issue the permanent stage carriage permit on the inter-State route from Kolkata to Marhar [Bihar] via Burdwan, Asansol, Dhanbad [total length of route 530 Kilometers], as against the existing vacancy of 6 permits for West Bengal State, without giving effect to the impugned resolution dated November 27, 2020 and January 29, 2021[13th Agenda], in respect of the petitioner's two vehicles bearing No. WB-76A/7696 and WB-41H/2686. He seeks that his representation to that effect, dated September 21, 2020, be accordingly disposed of by the authority.
- (3) The petitioner has also challenged a notification dated February 24, 2020, declaring probable vacancy position as on January 31, 2020, in order to grant permits on the inter-State routes, including the 4 vacancy of the petitioner's proposed route, for which he has already been granted offer letters and also the resolution of the respondent Board dated January 29, 2021, thereby rejecting to grant permit to the writ petitioner.
- (4) Since the two writ petitions deal with disputed issues similar to and intertwined with each other, both have been heard together and are being disposed of vide the following common judgment.
- (5) The petitioner has initially operated under the Reciprocal Transport Agreement entered in between the States of West Bengal and Bihar dated May 27, 1988. After bifurcation of the State of Bihar, the petitioner was thereafter covered under the Reciprocal Transport Agreement entered in between the States of West Bengal and Jharkhand published in Calcutta Gazette dated March 23, 2004. A draft fresh Reciprocal Transport Agreement was prepared between West Bengal and Bihar on May 21, 2014. 24 additional inter-State routes were created between West Bengal and Bihar, with concurrence of State authority of Jharkhand dated September 16, 2015. The Fresh Reciprocal Transport Agreement between West Bengal and Bihar was finally published in Calcutta Gazette on February 22, 2016, covering routes through West Bengal, Bihar and Jharkhand.
- (6) One of such newly created inter-State route is from Kolkata to Khesar via Burdwan, Suri, Dumka, Deoghar, Katoria, covering a length of 342 Kilometers. One other newly created route is from Kolkata to Marhar [Bihar] via Burdwan, Asansol, Dhanbad, covering a total length of 530 Kilometers. 10 vacancies were created for each of the routes for the State

of West Bengal under Serial Nos. 19 and 18 respectively, of the said new Reciprocal Transport Agreement of 2016.

- (7)** The petitioner had applied for grant of one permanent stage carriage permit each for the said respective routes for his abovementioned two vehicles for each route, on February 21, 2017 [Docket No.96]. the Board took up the petitioner's applications for consideration in meeting dated March 17, 2017, vide Agenda Nos. 60 and 61 respectively and approved the same.
- (8)** The writ petitioner was issued offer letters dated March 29, 2017 and January 19, 2017 respectively which he has received on April 24, 2018 and January 24, 2017 respectively. Validity period of the offer letter dated March 29, 2017 was extended till October 19, 2018.
- (9)** For all his vehicles the petitioner has made prayer before the respondent authority for according permission and/or approval to get "Sleeper" incorporated in the Registration Certificate, as the vehicles were fitted with sleeper births. This provision was available under Rule 108 of the Orissa Motor Vehicle Amendment Rules 2012. The petitioner requested the Secretary, Department of Transport, Government of West Bengal, to amend the prevailing West Bengal Motor Vehicles Rules, 1989 to make the system of registration of vehicles with sleeper births available on the Department's website, vide his representations. The petitioner's prayer was accepted and vide notification dated January 19, 2018, the respondent authority has allowed registration of sleeper coaches, subject to adherence with the other connected rules. Allegedly despite the said order passed by the respondent authority, the concerned registering authority has declined to incorporate "Sleeper", in the registration certificates of the petitioner's vehicles, fitted with sleeper births.
- (10)** The petitioner says that this gross inaction of the registering authority, in making necessary modification in the registration certificate of the vehicles of the writ petitioner, despite there being order issued by the concerned respondent Department, has resulted into failure of the petitioner to submit necessary documents before the authority for grant of permit for "Sleeper" class of vehicle. However, he has filed documents as available along with RBI Challan showing payment of requisite permit fees on June 29, 2018 and February 21, 2017 respectively.
- (11)** The writ petitioner's grievance is that in spite of the same, the respondent permit issuing authority has illegally, unreasonably and arbitrarily declined

to issue permit of the petitioner's vehicles and has failed to consider duly his representation in this regard dated September 21, 2020.

(12) The petitioner is further aggrieved by issuance of notification dated February 24, 2020, declaring probable vacancy position as on January 31, 2020, in order to grant permits on the inter-State routes, including the 4 vacancy of the petitioner's proposed route, for which he has already been granted offer letters.

(13) For redress of such grievance of him, the writ petitioner has filed the instant two writ petitions.

(14) Mr. Sattwik Bhattacharya, learned advocate has represented the writ petitioner. At the outset he has expressed grievance of his client against the Board resolution dated January 29, 2021, in which the Board has held that *"....permit with BS-III compliant vehicle is already restricted vide STA resolution dated November 27, 2020 and also on the ground that he has failed to obtain permit since long."* He submits that this resolution of the Board is in colourable exercise of the statutory power by the Board as envisaged under section 80 of the Act of 1988. That, it is due to extraneous and unsustainable considerations as it has the effect of superseding the earlier decision of the Board itself in favour of the petitioner to grant him permit and issue him offer letter for that. That, it has infringed the legitimate right and expectation of the petitioner, emanating from the said earlier resolution. He says that the decision once taken by the Board on the basis of its satisfaction as regards the petitioner's compliance with the applicable yardsticks for being granted with the permit, has bestowed indefeasible right to the writ petitioner to be granted with the same. That, such right of the petitioner cannot be defeated at a later stage, only unilaterally, without any cogent and justified reason, or else the same should be considered as unreasonable and arbitrary action of the respondent authority.

(15) Learned advocate has submitted that delay if any, by the petitioner in production of the vehicle is due to the reason of default committed by the registering authority, which has failed to incorporate necessary modification into the registration certificate of the vehicles by marking those as "sleeper" class vehicles. Therefore, it has been submitted that reason for the petitioner's delay in production of vehicles has been beyond his control, which should have been condoned by the respondent authority. His other point of argument is that the respondent Board, by a subsequent

resolution dated August 24, 2022 [Agenda No.1 therein], has withdrawn/relaxed the restrictions earlier imposed on the BS-III vehicles vide the resolution dated November 27, 2020, to the extent that applications approved on the inter-regional route, prior to November 27, 2020, with BS-III vehicles, which are originating, traversing and/or terminating within Kolkata Metropolitan area, would be allowed to get permit. Hence, he says, that the petitioner should be rendered with benefits under this resolution of the respondent authority.

- (16)** The petitioner has further raised grievance as regards grant of permit to one Md. Mustaqeen, on the selfsame route, vide the Board's resolution dated January 29, 2021 [Agenda No.17], on the ground of fraud and misrepresentation, as allegedly the said applicant has produced BS-III vehicle by fraudulently portraying the same as a BS-IV model. It has been submitted that as per sections 80 and 88 of the Motor Vehicles Act, 1988, STA West Bengal cannot be treated to have been vested with any power, authority and jurisdiction to refuse grant of stage carriage permit till the time, vacancies, as have been created by the Reciprocal Transport Agreement, do exist. It is submitted that the decision of the authority to reject grant of permit to the writ petitioner, is contrary to the liberalized policy as envisaged under the 1988 enactment. Mr. Bhattacharya has sought for setting aside of the Board's resolution rejecting grant of permit to the petitioner and other appropriate order in this writ petition.
- (17)** The respondent is represented by Mr. Pantu Deb Roy, learned AGP. It is submitted that in respect of the petitioner's application dated February 21, 2017, the vehicles No. WB-41E 2924 and WB-11TK 1312 [two owners including the writ petitioner] were approved for grant of permit and the offer letter dated April 20, 2018, was issued. That, time-limit prescribed in the offer letter was extended up to October 19, 2018.
- (18)** On September 21, 2020, the petitioner submitted application to replace WB-41E 2924, by another vehicle No. WB-76A 9964. On October 19, 2018, the petitioner submitted further application of permit with respect to the 2 vehicles No. WB-76A 6717 and WB-76A 6694. It is submitted that in meeting dated January 29, 2021, the respondent Board resolved to reject the application of the petitioner for replacement, as well as previous approval granted to the petitioner vide resolution of meeting dated March 17, 2017. The reason for such rejection is stated to be in exercise of powers conferred under section 72 (2)(xxiv) of the Motor Vehicles Act, 1988, for the reason that grant of Interstate stage carriage permit for BS-III vehicles

has already been restricted vide the STA resolution dated November 27, 2020 and also that the petitioner has failed to take steps as per the offer letter and obtained permit, in spite of a long period of time having elapsed.

- (19)** The respondent has relied on an order of the National Green Tribunal dated November 27, 2018 in O.A. No. 33 of 2014 (EZ) (Subhas Datta versus State of West Bengal and Others) to say that as per the same as well as directions of the Supreme Court, the old vehicles had to be phased out to introduce BS-VI standard vehicles on road.
- (20)** It has been submitted that the decision of the State authority in meeting dated August 24, 2021 that only those applications of interregional route, that are originating, traversing and/or terminating within KMA area and was approved prior to November 27, 2020 for a BS-III vehicle, would be granted permit, in case they be able to fulfil certain conditions -- was taken only in terms of the order of the National Green Tribunal as mentioned above and directives of the Supreme Court. Therefore, according to the said respondent there is neither any illegality nor any impropriety in the decision of the respondent authority in rejecting the petitioner's prayer, as he did not produce a vehicle in terms of the policy decision of the respondent authority. In such circumstances, the respondent has sought for an order dismissing the instant writ petition.
- (21)** The controversy has its genesis in the reciprocal transport arrangements governing inter-State routes between West Bengal, Bihar and Jharkhand. Following the publication of the fresh Reciprocal Transport Agreement on February 22, 2016, new inter-State routes were created, including the Kolkata–Khesar route and the Kolkata–Marhar route, with ten vacancies earmarked for West Bengal operators on each route. Availing himself of the vacancies so created, the petitioner applied on February 21, 2017, for permanent stage carriage permits in respect of two vehicles on each of the said routes. The State Transport Authority considered the applications in its meeting held on March 17, 2017, and approved them, whereupon offer letters were issued to the petitioner and the period for compliance was subsequently extended. According to the petitioner, while he deposited the requisite permit fees within the stipulated period, he encountered difficulty in producing the necessary vehicle documents because the registering authority failed to incorporate the “sleeper” classification in the registration certificates of his vehicles, notwithstanding a policy decision permitting registration of sleeper coaches. The petitioner contends that such administrative inaction prevented him from completing the formalities for

obtaining the permits and ultimately resulted in the non-issuance of permits despite his repeated representations.

(22) The dispute intensified when, according to the petitioner, the authorities neither acted upon his representation dated September 21, 2020, nor granted the permits for which offer letters had already been issued. He further questioned the notification dated February 24, 2020, declaring fresh vacancies on the very routes for which he had earlier been selected and alleged that the subsequent resolution of the State Transport Authority dated January 29, 2021, arbitrarily defeated his legitimate expectation arising from the earlier approval. The petitioner maintained that once his applications had been approved and offer letters issued, the authorities could not subsequently deny the permits on grounds extraneous to the original selection process, particularly when the delay in production of documents was attributable to the conduct of the registering authority itself. He also relied upon a later relaxation of restrictions relating to BS-III vehicles and alleged discriminatory treatment in the grant of permits to other operators.

(23) The respondent authorities, on the other hand, asserted that although the petitioner's applications had initially been approved and offer letters issued, he failed to comply with the conditions thereof within the prescribed time. It was pointed out that the petitioner subsequently sought replacement of vehicles and requested permits in respect of different vehicles from those originally approved. In the meantime, policy decisions were taken restricting the grant of inter-State permits to BS-III vehicles in view of environmental directives flowing from orders of the National Green Tribunal and the Supreme Court. Consequently, in its meeting dated 29 January 2021, the State Transport Authority resolved to reject both the petitioner's request for replacement of vehicles and the earlier approval itself, citing the BS-III restriction as well as the petitioner's prolonged failure to obtain permits despite the grant of sufficient opportunity. According to the respondents, the subsequent relaxation of the policy was confined to a limited class of cases and did not entitle the petitioner to any special consideration. The authorities therefore maintained that the rejection of the petitioner's claim was lawful, consistent with prevailing policy, and justified by his failure to satisfy the requirements of the offer letters.

(24) Ordinarily, once an applicant is selected, the Authority issues an offer letter requiring compliance with certain conditions within a stipulated period,

such as, deposit of prescribed motor vehicle tax/fees, production of vehicle particulars and registration documents, submission of route papers and other statutory documents and production of a vehicle conforming to the category for which the permit was applied. The conditions contained in the offer letter are generally not mere formalities. They are intended to enable the Authority to ascertain whether the applicant possesses a vehicle answering the description of the permit advertised and whether the applicant is ready to operate the service. Therefore, mere deposit of fees within time cannot automatically confer a vested right to a permit, if other essential conditions remain unfulfilled.

- (25)** The distinction between a procedural defect and a substantive defect becomes crucial. If the applicant deposited the requisite fees within the stipulated time but failed to produce the vehicle papers, the Authority would have to examine whether the papers were subsequently produced within a reasonable period; the failure was attributable to circumstances beyond the applicant's control; and whether the omission prejudiced the verification process. However, where the offer letter expressly stipulates that non-submission of vehicle documents within the prescribed period would entail cancellation of the offer, the Authority may legitimately treat the offer as having lapsed. The rationale is that a permit cannot ordinarily be granted in abstract without verification of the vehicle proposed to be operated under the permit.
- (26)** The petitioner's explanation that the delay in production of the requisite vehicle documents was occasioned by the registering authority's failure to incorporate the endorsement relating to sleeper coaches in the registration certificates cannot, by itself, furnish a complete answer to the deficiencies noticed by the respondent Authority. Even assuming that the petitioner encountered administrative difficulties in securing such endorsement, the record discloses that the petitioner did not merely seek extension of time to produce the originally approved vehicles but proceeded to seek issuance of permits in respect of different vehicles and, in effect, a different vehicle configuration from that contemplated at the time of approval. The inability to obtain a particular endorsement may explain a delay in compliance, but it does not justify a fundamental departure from the terms of the original application. Moreover, the petitioner remained under an obligation to keep the Authority informed, seek appropriate extensions within a reasonable time and demonstrate readiness with vehicles conforming to the category for which approval had been granted. The lapse continued over a considerable period, and the explanation offered does not satisfactorily account for the entirety of such delay. In these circumstances, the

respondent Authority was entitled to conclude that the petitioner's failure was not confined to a mere procedural impediment attributable to the administration but involved non-fulfilment of substantive conditions essential for grant of the permit.

- (27)** In these circumstances the aspect of the petitioner requesting for permit in respect of a different class of vehicle [sleeper class], assumes more significance. Sections 72 and 74 of the Motor Vehicles Act contemplate grant of permits with reference to a particular vehicle description and operational characteristics. Where applications were invited for a specified class of vehicle, all applicants compete on that basis.
- (28)** If an applicant originally sought a permit for one class of vehicle but, after selection, requested issuance of a permit for another class, several consequences follow. Like, the Authority would effectively be considering a new proposal. The competing applicants would never be afforded an opportunity to apply for that altered category or that the change may affect passenger capacity, route economics, traffic management and regulatory considerations. Consequently, such a request cannot ordinarily be treated as a mere correction or curable defect.
- (29)** The general principle is that an administrative authority cannot substantially alter the terms of the selection process after its conclusion. If the notification and application contemplated one category of vehicle, grant of permit for an altogether different category would amount to changing the rules of the game after the game has begun. Where public rights and competitive selection are involved, the authority must adhere to the notified conditions and cannot confer an advantage upon one applicant by relaxing essential eligibility requirements. Therefore, unless the governing notification or permit scheme expressly authorises substitution of vehicle category, the Authority would be justified in rejecting such a request.
- (30)** When both circumstances coexist, namely, failure to submit the required vehicle papers within the stipulated period and a request to obtain a permit for a different class of vehicle than the one applied for, the applicant's case becomes considerably weaker. The deposit of fees demonstrates willingness to comply, but it does not cure non-production of mandatory documents; or the fundamental alteration of the subject matter of the application. The latter goes to the root of the selection process.

- (31)** The deposit of motor vehicle fees within the period stipulated in the offer letter does not by itself create an indefeasible right to grant of permit. Compliance with all essential conditions of the offer letter is required. The failure to produce vehicle documents within the prescribed period prevented the Authority from verifying the vehicle proposed to be operated. More importantly, the subsequent request for grant of permit in respect of a different class of vehicle amounted to a material departure from the original application and could not be treated as a mere procedural irregularity. Acceptance of such a request would have the effect of altering the terms of the selection process and conferring an undue advantage upon the applicant vis-à-vis other competitors. In such circumstances, the Authority would be justified in treating the offer as lapsed and in declining issuance of the permit.
- (32)** Accordingly, unless the applicant establishes a specific statutory power of relaxation or demonstrates that the change of vehicle class was expressly permissible under the governing notification and rules, the application would ordinarily be liable to be rejected and the selection cancelled.
- (33)** The law is well-settled that where a statute, notification or offer letter prescribes conditions precedent for obtaining a benefit, substantial compliance with all essential conditions is mandatory. Mere compliance with one of the requirements cannot entitle an applicant to insist upon conferment of the ultimate benefit when other mandatory requirements remain unfulfilled. The deposit of the prescribed permit fees within the stipulated period may demonstrate the petitioner's willingness to avail the permit, but such deposit by itself cannot eclipse the failure to furnish the requisite vehicle documents which alone would enable the Authority to verify the existence, eligibility and conformity of the vehicle proposed to be operated on the notified route.
- (34)** Grant of permits under the Motor Vehicles Act is governed by statutory requirements and regulatory considerations and that the Transport Authorities are required to act strictly within the framework of the Act and the applicable scheme. The decision underscores that permit rights do not arise merely from an expectation of grant but only upon fulfilment of the prescribed statutory conditions. The petitioner cannot contend that a vested right to obtain a permit accrued merely upon deposit of the prescribed fees. Under the scheme of the Motor Vehicles Act, grant of a permit remains subject to fulfilment of all statutory and procedural requirements and satisfaction of the Transport Authority regarding the eligibility of the

vehicle and the applicant. The mere payment of fees cannot substitute compliance with other mandatory conditions requiring production and verification of vehicle particulars. Reference may be made to the observations of the Supreme Court in ***Mithilesh Garg v. Union of India, (1992) 1 SCC 168***, where the Court recognised that the grant of permits remains regulated by the statutory framework and subject to compliance with the prescribed requirements.

(35) Equally important is the petitioner's request seeking grant of permit for a class of vehicle different from the one for which the original application was submitted. Such a request cannot be viewed as a mere curable irregularity. The Supreme Court has consistently held that the terms of a selection process cannot be altered after the process has commenced and that eligibility conditions applicable to all participants must be uniformly enforced. In ***Bedanga Talukdar v. Saifudaullah Khan (2011) 12 SCC 85***, the Court held that where the procedure and conditions are prescribed in the advertisement or notification, the authorities are bound by them and relaxation in favour of one candidate would be impermissible unless specifically authorised. The underlying principle is that public authorities must adhere to the declared rules of the game and cannot modify them to suit an individual applicant. Similar principles were reiterated in ***Maharashtra State Road Transport Corporation v. Rajendra Bhimrao Mandve (2001) 10 SCC 51*** and ***K. Manjusree v. State of Andhra Pradesh (2008) 3 SCC 512***, wherein it was held that the norms governing selection cannot be changed after commencement of the process. Although those decisions arose in service jurisprudence, the doctrine is of general application to all public selection processes involving comparative rights of competing applicants. An applicant who sought consideration for one category of vehicle cannot, after being selected, seek substitution by another category if such change was never contemplated by the original notification.

(36) The doctrine of level playing field also assumes significance. In a landmark decision in ***Ramana Dayaram Shetty v. International Airport Authority of India (1979) 3 SCC 489***, the Supreme Court held that where public authorities prescribe eligibility conditions, they are bound to apply them uniformly and cannot depart therefrom arbitrarily. Granting a permit for a vehicle class different from the one notified would amount to extending a benefit not available to other applicants who participated on the basis of the original terms.

- (37)** Therefore, the petitioner's timely deposit of fees may at best evidence partial compliance with the offer letter. However, the combined effect of failure to submit the requisite vehicle papers and the request for substitution of the vehicle category strikes at the root of the selection process itself. The Authority would thus be justified in refusing issuance of the permit and in treating the offer as having lapsed. No enforceable right could accrue in favour of the petitioner merely because the prescribed fees had been deposited within the stipulated period.
- (38)** The petitioner's contention that the continued existence of vacancies under the Reciprocal Transport Agreement left the respondent Authority with little or no discretion to refuse the permit cannot be accepted. The existence of a vacancy merely signifies the maximum number of permits that may be granted on a particular inter-State route under the reciprocal arrangement contemplated by Section 88 of the Motor Vehicles Act, 1988; it does not operate as a statutory mandate requiring the Authority to grant permits irrespective of compliance with the conditions prescribed by law. Section 80 undoubtedly embodies the liberalised permit regime introduced by the 1988 Act and discourages arbitrary refusal of permit applications. However, the provision does not dispense with the requirement that an applicant must satisfy the statutory conditions governing grant of permits, nor does it curtail the Authority's power to ensure that the vehicle proposed conforms to prevailing regulatory, environmental and policy requirements.
- (39)** Equally, Section 88 of the Act of 1988 governs the recognition and operation of inter-State permits within the framework of reciprocal agreements but does not create an enforceable right in favour of every applicant merely because vacancies remain unfilled. The vacancies created under the Reciprocal Transport Agreement indicate availability of permit slots; they do not dilute the Authority's obligation to scrutinise the eligibility of the applicant and the vehicle. To hold otherwise would reduce the statutory approval process to a mechanical exercise and compel grant of permits even where the applicant has failed to comply with essential conditions or where the proposed vehicle has become ineligible under subsequently applicable regulatory norms. Therefore, the subsistence of vacancies under the Reciprocal Transport Agreement could not, by itself, compel the respondent Authority to issue permits to the petitioner in disregard of his non-compliance and the prevailing restrictions governing the vehicles in question.

- (40)** The restriction imposed upon grant of inter-State stage carriage permits in respect of BS-III compliant vehicles constitutes an additional and independent ground justifying rejection of the petitioner's claim. It is not in dispute that the State Transport Authority, acting upon environmental concerns reflected in the directions of the National Green Tribunal and the policy imperative of gradual transition to cleaner emission standards, resolved on November 27, 2020, to restrict issuance of permits in respect of BS-III vehicles. Such a policy decision, taken in furtherance of public interest and environmental protection, falls squarely within the regulatory domain of the transport authorities and cannot be lightly interfered with in judicial review. Significantly, on the date when the petitioner's claim came up for consideration, no permit had actually been issued in his favour and, therefore, no vested or accrued right had crystallised merely by reason of an earlier approval or issuance of an offer letter. The Authority was entitled to apply the policy prevailing on the date of final consideration of the matter. Once the vehicles proposed by the petitioner fell within the category of BS-III compliant vehicles against which restrictions had already been imposed, the Authority could not have been compelled to grant permits contrary to its own subsisting policy. The subsequent relaxation granted by the Authority was limited in scope and conditional in nature and did not create any automatic entitlement in favour of every applicant whose proposal had earlier been approved. Consequently, the respondent Authority cannot be faulted for declining to issue permits in respect of the petitioner's BS-III vehicles, particularly when such refusal was founded upon a uniformly applicable policy measure, intended to advance environmental objectives and statutory regulatory concerns.
- (41)** The mere approval of an application for grant of permit and issuance of an offer letter do not exhaust the statutory jurisdiction of the Transport Authority nor do they create an irrevocable right in favour of the applicant. Such approval remains inherently conditional upon fulfilment of the requirements stipulated in the offer letter and continued conformity with the prevailing statutory and regulatory framework. Where an applicant fails to comply with the prescribed conditions within the stipulated period, and even after extension of time does not place himself in a position to obtain the permit, the approval remains inchoate and incapable of maturing into an enforceable entitlement. The considerable lapse of time between the initial approval and the final consideration of the matter is also a relevant circumstance, for transport regulation is a continuing administrative function required to respond to changing policy considerations, environmental norms and public interest requirements. In the present case,

the petitioner's prolonged non-compliance, coupled with the subsequent request for a materially different vehicle configuration and the intervening policy restrictions relating to BS-III vehicles, furnished sufficient grounds for the Authority to revisit the earlier approval. Since no permit had been actually issued and no vested right had accrued, the Authority was legally competent to withdraw the earlier approval and treat the offer as having lapsed, rather than remaining perpetually bound by a provisional decision taken years earlier in an entirely different factual and regulatory setting.

(42) For all the reasons as discussed above, the instant writ petitions are bound to fail. Hence, WPA No. 19833 of 2022 and WPA No. 19835 of 2022 are dismissed.

(43) Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)