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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on : 21.09.2026

Order Delivered on : 29.10.2026

WPC No. 3805 of 2024

Harikrishna Ogare S/o Late Shri Ganesh Ram Ogare Aged About 32 Years R/o Village Devri, Police Station and Tahsil Mungeli, District Mungeli, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Transport, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur, Chhattisgarh

2 - State Transport Appellate Tribunal (In Short STAT) Raipur, Distt. Raipur, Chhattisgarh

3 - Regional Transport Authority Of Chhattisgarh Atal Nagar, Sector-27, Third Floor, Nawa Raipur, Distt. Raipur, Chhattisgarh

4 - Renbow Travelers Through Proprietor Anurag Shukla S/o Late Suresh Chand Shukla, R/o Shukla Colony, Raipur, Distt. Raipur, Chhattisgarh

--- Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Shailendra Kumar Bajpai, Advocate
For State	:	Mr. Vivek Verma, Government Advocate
For Respondent No.4	:	Mr. Subodh Pandey, Advocate (through Video Conferencing)

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

1. By filing the present petition, the petitioner assails the order dated 12.07.2024 passed by the learned State Transport Appellate Tribunal, Raipur (for short, “the STAT”), in Appeal Memo No. A-68/2023, whereby the STAT, without affording an effective opportunity of hearing to the petitioner, allowed the revision preferred by respondent No.4 and set aside the order dated 23.08.2023 passed by the Regional Transport Authority, whereby a permanent stage carriage permit was granted in favour of the petitioner. The petitioner has sought for following reliefs:-

> “*10.1 That, the Hon'ble Court may kindly be pleased to allow this writ petition and be pleased to quash the impugned order dated 12.07.2024 (Annexure P/1) passed by learned STAT Raipur or if the Hon'ble Court may deem fit and affirm the order passed by RTA Raipur dated 23.08.2023 (Annexure P/3).*
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> *10.2 That, if the Hon'ble Court may deem fit and proper call the records pertaining to petitioner's case.*
>
> *10.3 That, the Hon'ble Court may kindly be pleased to pass any other order which may be deed fit and proper in favour of the petitioner.*”

2. The facts, as canvassed by the petitioner, are that by order dated 23.08.2023, the Regional Transport Authority, Chhattisgarh, Raipur (for short, “the RTA”), granted a permanent stage carriage permit

bearing No. CG2023-SC-0481A in favour of the petitioner for operating his bus on the route Mungeli to Kodwagodan via Bodhapara, Khamhi and Ramhepur, with three return trips daily. The petitioner is a bus operator and is operating stage carriage buses on the strength of permits granted by the competent transport authorities.

3. The grant of permit was objected to by certain existing operators, including respondent No.4, Renbow Travels. After considering the objections and the material placed before it, the RTA passed the order dated 23.08.2023 granting the aforesaid permanent permit in favour of the petitioner.

4. Aggrieved by the order dated 23.08.2023, respondent No.4 preferred a revision/appeal before the STAT, registered as Appeal Memo No. A-68/2023. According to the petitioner, although he was the principal beneficiary of the order under challenge and was directly affected by the proceedings before the STAT, he was not effectively heard in the matter. The petitioner states that, after coming to know of the proceedings, he appeared before the STAT on 08.01.2024. The matter was thereafter adjourned on several dates and was ultimately reserved for orders on 10.07.2024.

5. On 12.07.2024, the STAT passed the impugned order allowing the revision/appeal preferred by respondent No.4 and setting aside the order dated 23.08.2023 passed by the RTA. The petitioner has consequently filed the present petition questioning the said order,

principally on the ground that the same has been passed without affording him an effective opportunity of hearing, apart from challenging the findings recorded by the STAT with regard to the requisite documents and the alleged conflict/cross-timing of the permit granted in his favour.

6. Mr. Shailendra Kumar Bajpai, learned counsel appearing for the petitioner, submits that the impugned order passed by the STAT is vitiated for violation of the fundamental principles of natural justice, particularly the rule of *audi alteram partem*. The petitioner was the holder of the permanent stage carriage permit granted by the RTA on 23.08.2023 and was, therefore, the principal party whose rights were directly and substantially affected by the revision preferred by respondent No.4. Despite this, the petitioner was not afforded an effective opportunity to place his defence before the STAT. Learned counsel submits that an order setting aside a permit already granted in favour of the petitioner, having serious civil and financial consequences, could not have been passed without ensuring a meaningful opportunity of hearing.

7. Learned counsel further submits that the proceedings before the STAT themselves demonstrate that the matter was adjourned on several occasions and, after the matter was reserved for orders, the impugned order came to be passed on 12.07.2024. It is submitted that, after resumption of charge by the learned Presiding Officer, the parties ought to have been duly informed

and afforded an effective opportunity to participate in the proceedings. The petitioner cannot be deprived of his valuable right under the permit on the basis of a proceeding in which he was not effectively heard. According to learned counsel, the mere fact that the petitioner had subsequently come to know about the proceedings or had appeared on one of the dates cannot substitute the requirement of an effective opportunity to meet the case of the contesting respondent.

8. Learned counsel next submits that the finding of the STAT that the petitioner had failed to furnish the requisite particulars/documents is contrary to the record. The petitioner had submitted the requisite documents and relevant information before the RTA, which, after considering the material available on record and the objections raised by the existing operators, had granted the permit by order dated 23.08.2023. Merely because certain columns in the prescribed application form were not filled up, it could not be concluded that the petitioner had failed to furnish the requisite information, particularly when the relevant documents had been separately submitted before the RTA. At the highest, any deficiency in the application could have been directed to be rectified, rather than treating the same as a ground for setting aside the permit already granted.

9. Learned counsel also submits that the objections regarding alleged non-payment of tax or non-furnishing of requisite

documents were not raised before the RTA at the appropriate stage. Respondent No.4, having participated in the proceedings before the RTA, did not raise such objections at the time when the application for permit was considered. Such objections were sought to be raised subsequently before the STAT. The STAT, therefore, ought to have examined the matter in the proper factual and procedural context instead of interfering with the reasoned order passed by the RTA on grounds which had not been effectively raised before the original authority.

10. Lastly, learned counsel submits that the finding regarding “cross timing” is factually unsustainable. The route for which the petitioner has been granted permit is Mungeli to Kodwagodan via Bodhapara, Khamhi and Ramhepur, whereas the route of respondent No.4 is different, and therefore there is no basis to hold that the petitioner has been granted a permit involving any impermissible cross timing. Learned counsel places reliance upon the decision of this Court in ***Manish Travels and Another v. Regional Transport Authority and Another, 2018 SCC OnLine Chh 684***, wherein the scope of the RTA's power in relation to timing of stage carriage permits under Section 72 of the Motor Vehicles Act, 1988, has been considered. It is, therefore, submitted that the impugned order, having been passed without effective hearing and on findings which are contrary to the material on record, deserves to be quashed and the order dated 23.08.2023 passed by the RTA granting permit in favour of the

petitioner deserves to be restored.

11. On the other hand, Mr. Vivek Verma, learned Government Advocate appearing for the State, opposes the submissions advanced by learned counsel for the petitioner and submits that the impugned order has been passed by the STAT, a quasi-judicial authority, after considering the material available on record and after affording adequate opportunity of hearing to the concerned parties. He submits that the plea of the petitioner that the impugned order was passed ex parte or in violation of the principles of natural justice is contrary to the order-sheets, which demonstrate that the petitioner had appeared and participated in the proceedings before the STAT. Therefore, no prejudice can be said to have been caused to the petitioner on account of denial of opportunity of hearing.

12. Learned Government Advocate further submits that the petitioner had applied for grant of permanent stage carriage permit under Section 70 of the Motor Vehicles Act, 1988, and was under an obligation to furnish the documents and particulars prescribed under Rule 72 of the Chhattisgarh Motor Vehicles Rules, 1994. In particular, Rule 72(3)(b) requires the requisite certificate from the Registering Authority containing the particulars of the vehicle, including its make, model and seating capacity. According to him, the said requirement is mandatory and the STAT, upon examining the record, rightly found that the petitioner had not completed the

application in the prescribed manner and had failed to comply with the mandatory requirements. Consequently, the RTA's order granting permit was rightly interfered with by the STAT. It is further submitted that the STAT has passed a reasoned and speaking order after considering the rival contentions and the documents available on record and has recorded a specific finding regarding non-compliance with the statutory requirements by the petitioner. The order dated 23.08.2023 granting permit could not have been sustained when the petitioner had failed to fulfil the prescribed requirements for grant of such permit. It is, therefore, submitted that the impugned order dated 12.07.2024 suffers from neither any illegality nor jurisdictional error warranting interference under Article 226 of the Constitution of India, and the writ petition deserves to be dismissed.

13. Mr. Subodh Pandey, learned counsel appearing for respondent No.4 through video conferencing, opposes the submissions advanced on behalf of the petitioner and submits that the order dated 23.08.2023 passed by the RTA granting permanent stage carriage permit in favour of the petitioner was contrary to the statutory requirements prescribed under Section 70 of the Motor Vehicles Act, 1988 and Rule 72(3) of the Chhattisgarh Motor Vehicles Rules, 1994. He submits that the petitioner had failed to furnish the requisite documents along with the application and, therefore, the application itself was incomplete and could not have been entertained for grant of permit. The STAT, after examining

the record of the RTA, rightly found such non-compliance and, consequently, rightly set aside the order dated 23.08.2023.

14. Learned counsel further submits that the timings granted in favour of the petitioner were overlapping and conflicted with the timings of the existing operators and that the RTA, while granting the permit, failed to properly consider the existing timings and the relevant provisions of the Rules. He submits that the RTA also failed to adhere to Rules 70(k) and 70(kh) of the Chhattisgarh Motor Vehicles Rules, 1994 while fixing the timings. The STAT, upon consideration of the entire record and the competing timings, has recorded a categorical finding regarding the clash in timings as well as the petitioner's failure to furnish the mandatory documents. The impugned order, therefore, is based upon proper appreciation of the record and does not warrant interference in exercise of the writ jurisdiction of this Court.

15. I have heard learned counsel for the parties and have perused the pleadings and documents placed on record.

16. Before examining the rival submissions on their respective merits, it would be apposite to notice the relevant statutory framework governing the grant of a stage carriage permit. Section 70 of the Motor Vehicles Act, 1988 deals with the application for a stage carriage permit and contemplates furnishing of the particulars and information prescribed therein. Section 72 deals with the grant of stage carriage permits and empowers the Regional Transport

Authority to grant such permit subject to such conditions as may be prescribed and as may be specified in the permit. The statutory scheme thus entrusts the Regional Transport Authority with the initial consideration of the application, the objections, the relevant documents and the conditions governing operation of the vehicle, including the route and timings. At the same time, the exercise of such statutory power is necessarily required to conform to the applicable Rules and the principles of fairness governing quasi-judicial proceedings.

17. The Rules framed under the Motor Vehicles Act prescribe the manner in which an application for a stage carriage permit is to be submitted and the documents and particulars which are required to accompany such application. The respondents have particularly relied upon Rule 72 of the Chhattisgarh Motor Vehicles Rules, 1994 and have contended that the documents contemplated therein are mandatory in character. The petitioner, on the other hand, disputes the finding that there was complete non-compliance and submits that the requisite documents and particulars had in fact been furnished before the RTA, though certain columns of the prescribed application may not have been filled up in the manner expected by the respondents. Thus, the controversy regarding compliance with Rule 72 is essentially a matter which requires examination on the basis of the original record of the RTA and the documents actually submitted by the petitioner.

18. At this stage, this Court is not required to finally adjudicate whether every requirement contained in Rule 72 is mandatory or directory, nor is it necessary to record any final finding as to whether the petitioner had, in fact, complied with each and every requirement prescribed under the Rules. The reason is that the impugned order has resulted in setting aside the permit already granted to the petitioner by the competent RTA and the petitioner specifically asserts that the documents relied upon by him before the RTA were not properly considered by the STAT. Once the petitioner disputes the factual basis on which the permit has been annulled, it becomes necessary that the petitioner be afforded a meaningful opportunity to place the relevant documents and explain the alleged deficiencies before the authority competent to decide the revision.

19. The principle of *audi alteram partem* is not confined to a formal issuance of notice. The opportunity contemplated by the principles of natural justice must be real, reasonable and effective. The authority exercising quasi-judicial power is required to provide a party whose rights are likely to be adversely affected with a reasonable opportunity to know the case against him, place the relevant material, explain the alleged deficiencies and meet the objections raised by the opposite party. The requirement assumes greater significance where the proceedings are directed against an order under which a right or benefit has already been conferred by a competent statutory authority. The aforesaid principle finds

reaffirmation in the recent pronouncement of the Hon'ble Supreme Court in ***Krishnadatt Awasthy v. State of Madhya Pradesh, (2025) 7 SCC 545***, wherein the Supreme Court reiterated that the principle of *audi alteram partem* is a facet of fair procedure and that the requirement of natural justice cannot be reduced to a mere technical formality. The Court emphasized that the question whether denial or breach of natural justice has caused prejudice has to be examined from the facts and circumstances of each case and that the prejudice exception cannot be invoked merely on the basis of conjecture or assumption. The Court further reiterated that the core of *audi alteram partem* encompasses reasonable notice and a meaningful opportunity to meet the case against the affected person. The Hon'ble Supreme Court has further held that where there is a complete denial of opportunity at the initial stage, such defect cannot be cured merely by providing an opportunity at a subsequent stage, by observing as under :-

> *"16. Judicial review of administrative actions are permissible on the grounds of illegality, unreasonableness or irrationality and procedural irregularity. Lord Diplock succinctly described each of the aforementioned grounds for judicial review as under: (Council of Civil Service Unions Case, AC pp.410-11)*
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> *"By "illegality" as a ground for judicial review I mean that the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to*

it. Whether he has or not is par excellence a justiciable question to be decided, in the event of dispute, by those persons, the Judges, by whom the judicial power of the State is exercisable.

By "irrationality" I mean what can by now be succinctly referred to as "Wednesbury [Associated Provincial Picture Houses v. Wednesbury Corpn., (1948) 1 KB 223 (CA)] unreasonableness". It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. Whether a decision falls within this category is a question that Judges by their training and experience should be well equipped to answer, or else there would be something badly wrong with our judicial system. To justify the court's exercise of this role, resort I think is today no longer needed to Viscount Radcliffe's ingenious explanation in Edwards v. Bairstow [Edwards v. Bairstow, 1956 AC 14 : (1955) 3 WLR 410 (HL)] , of irrationality as a ground for a court's reversal of a decision by ascribing it to an inferred though unidentifiable mistake of law by the decision-maker. "Irrationality" by now can stand on its own feet as an accepted ground on which a decision may be attacked by judicial review.

I have described the third head as "procedural impropriety" rather than failure to observe basic rules of natural justice or failure to act with procedural fairness towards the person who will be affected by the decision. This is because susceptibility to judicial review under this head covers also failure by an Administrative Tribunal to observe procedural rules that are expressly laid down in the legislative instrument by which its jurisdiction is conferred, even where such failure does not involve any denial of natural justice. But the instant case is not concerned with the proceedings of an Administrative Tribunal at all."

17. It is equally well-settled that courts under its writ jurisdiction do not interfere with selections made by expert bodies by reassessing the comparative merits of the candidates. Interference with selections is limited to decisions vitiated by bias, malafides and violation of statutory provisions. Additionally, this Court has also held that administrative action can be reviewed on the ground of proportionality if it affects fundamental rights guaranteed under Article 19 and 21 of the Constitution of India.

18. In this case, our primary focus is on procedural impropriety and in particular, the breach of the principles of natural justice. The process for arriving at a decision is equally significant as the decision itself. If the

> *procedure is not 'fair', the decision cannot be possibly endorsed. The principles of natural justice as derived from common law which guarantee 'fair play in action'9, has two facets which include rule against bias and the rule of fair hearing. Additionally, a reasoned order has also been regarded as a third facet of the principles of natural justice10 and holds utmost significance in ensuring fairness of the process.*"

20. The aforesaid principles assume greater significance in the facts of the present case. Here, the petitioner was not a stranger to the proceedings but was the person in whose favour the RTA had already granted the permanent stage carriage permit. The revision before the STAT directly challenged the said grant and ultimately resulted in the permit being set aside. Therefore, the petitioner was not merely required to be put to notice of the pendency of the proceedings; he was required to be afforded a reasonable and effective opportunity to meet the objections relating to the documents allegedly not furnished by him, the alleged non-compliance with the statutory requirements and the alleged conflict or cross-timing.

21. Since the impugned order has adverse civil and commercial consequences upon the petitioner and the petitioner disputes the very factual basis on which the permit has been set aside, the requirement of an effective hearing assumes substantive significance.

22. Reverting to the facts of present case in the light of above-stated judicial precedents, it is quite vivid that the order dated 23.08.2023 passed by the RTA had culminated in grant of a permanent stage carriage permit in favour of the petitioner. The petitioner consequently acquired a right, subject of course to the applicable statutory conditions, to operate the vehicle in accordance with the permit. The revision preferred by respondent No.4 directly questioned the validity of such grant. The ultimate consequence of the revision was not merely correction of an incidental procedural irregularity but setting aside of the very permit granted in favour of the petitioner. Such an order undoubtedly carries civil and commercial consequences for the permit-holder. Therefore, before arriving at a conclusion which would deprive the petitioner of the benefit of the permit, the STAT was required to ensure that the petitioner had an effective opportunity to meet the objections and findings which ultimately formed the basis for interference with the RTA's order.

23. The respondents have contended that the petitioner had notice of the proceedings and had also appeared before the STAT and, therefore, there was no violation of natural justice. The said submission cannot be rejected merely because the respondents rely upon the order-sheets. At the same time, the mere presence or appearance of a party on one or more dates does not, by itself, conclude the question whether an effective opportunity to meet the case on merits was actually available to such party. What is

material is whether the petitioner was given a reasonable opportunity to place his complete defence in relation to the specific grounds on which the permit was ultimately set aside. The distinction between notice and effective opportunity of hearing assumes significance in the facts of the present case.

24. The record, as placed before this Court, indicates that the proceedings before the STAT travelled through several dates and that the matter was ultimately reserved for orders. The petitioner asserts that, after the change/resumption of the functioning of the Tribunal, he was required to be afforded an effective opportunity to participate in the proceedings. Whether the petitioner had, in fact, been given adequate opportunity to address the final submissions, produce the relevant documents and meet the objections relating to the permit is a matter which can more appropriately be examined by the STAT itself upon restoration of the revision. This Court, exercising writ jurisdiction, would not ordinarily undertake a factual exercise for the first time when the statutory appellate/revisional authority is available and the matter can be effectively decided by it after hearing all concerned.

25. The other important aspect relates to the alleged non-furnishing of documents. The STAT has proceeded on the premise that the petitioner had not completely filled the prescribed application and had not complied with the requirements of Rule 72. The petitioner, however, asserts that the documents and requisite information

were separately furnished before the RTA and that the RTA, after considering the same and the objections of the existing operators, consciously granted the permit. Thus, there is a direct dispute between the parties as to what documents were actually submitted before the RTA and whether those documents satisfied the statutory requirements.

26. In such circumstances, this Court is of the considered opinion that the controversy ought not to be concluded merely on the basis of an alleged omission in the application form without examining the entire original record of the RTA. The substance of the requirement and the purpose for which the document is prescribed cannot be lost sight of. If the requisite information was otherwise available on record or was furnished through separate documents, the effect thereof would necessarily require consideration by the competent authority. Conversely, if a document expressly required by the statutory Rules was never furnished and its absence goes to the root of the eligibility for grant of permit, the same would have to be considered in accordance with law. These are matters which the STAT can determine upon examination of the complete record and after hearing the parties.

27. Equally, the objection concerning the alleged non-payment of tax or non-production of other documents has been disputed by the petitioner on the ground that such objections were not raised before the RTA when the application for permit was considered.

This Court does not propose to record any final finding on that issue. However, where such objections are relied upon as a ground for setting aside an existing permit, fairness demands that the permit-holder be given a clear opportunity to explain whether the alleged liability existed, whether the requisite document had been furnished, whether the same was available on the record of the RTA and whether the alleged defect was capable of rectification.

28. The dispute relating to timing also assumes significance. The petitioner has specifically contended that there was no cross-timing between his route and the route operated by respondent No.4, whereas the respondents assert that the timings granted by the RTA were overlapping and prejudicial to the existing operators. The question whether there is, in fact, any conflict or cross-timing cannot be decided merely on an abstract assertion. It requires examination of the respective routes, timings, stages, scheduled arrival and departure, and the relevant conditions prescribed by the competent transport authority. Since the petitioner has disputed the very factual foundation of the finding recorded by the STAT, the issue deserves fresh consideration after examining the relevant timing charts and the record of the RTA.

29. The decision relied upon by the petitioner in ***Manish Travels*** (supra) has also been pressed into service in relation to the power and jurisdiction concerning timings. This Court is conscious that

the applicability and effect of the said decision would depend upon the precise statutory provision involved, the factual circumstances and the nature of the timing dispute in the present case. Therefore, without expressing any final opinion on the applicability of the said decision, it would be appropriate to leave the said question also open for consideration by the STAT after hearing the parties and examining the applicable statutory provisions and the relevant judicial precedents.

30. Another significant circumstance which cannot be completely ignored is that the permit granted by the RTA has already been acted upon and, during the pendency of the present proceedings, this Court has granted interim protection to the petitioner. The petitioner asserts that on the strength of the permit and the interim protection granted by this Court, he has been operating the vehicle. This circumstance, by itself, does not create any indefeasible right in favour of the petitioner to continue operating the vehicle contrary to law. Equally, however, it is a relevant circumstance while considering whether the dispute should be finally concluded on the basis of a procedural or curable deficiency without affording the permit-holder an effective opportunity to explain the same.

31. This Court is, therefore, of the considered opinion that the controversy between the parties ought to be adjudicated by the statutory authority after providing a full and effective opportunity to

all concerned parties. The remand is necessitated not because this Court has concluded that the petitioner is necessarily entitled to the permit, nor because the objections raised by respondent No.4 are devoid of merit, but because the issues raised by the parties involve disputed questions concerning compliance with the statutory requirements, production of documents, validity of the application, timing of the respective operators and the effect of the material available before the RTA. All these questions deserve consideration by the competent statutory forum upon a complete appreciation of the record and after following the principles of natural justice.

32. It is made clear that this Court has deliberately refrained from expressing any final opinion on the merits of the rival claims. Nothing contained in this order shall be construed as a finding that the petitioner has complied with all the requirements of Section 70 of the Motor Vehicles Act, 1988 or Rule 72 of the Chhattisgarh Motor Vehicles Rules, 1994, or that the timings granted in favour of the petitioner do not conflict with those of the existing operators. Likewise, no final opinion is being expressed regarding the correctness of the objections raised by respondent No.4. All such questions are left open for determination by the STAT in accordance with law.

33. Consequently, the impugned order dated 12.07.2024 passed by the State Transport Appellate Tribunal, Chhattisgarh, Raipur, in

Appeal No. A-68/2023, is hereby quashed and set aside. The matter is remitted to the State Transport Appellate Tribunal, Chhattisgarh, Raipur, for fresh consideration of the revision/appeal preferred by respondent No.4 against the order dated 23.08.2023 passed by the Regional Transport Authority granting permanent stage carriage permit No. CG2023-SC-0481A in favour of the petitioner.

34. On remand, the learned State Transport Appellate Tribunal shall restore the proceedings to their original number and shall issue appropriate notice to the petitioner and all other necessary and affected parties. The petitioner shall be afforded a reasonable, effective and meaningful opportunity of hearing, including an opportunity to file his reply, produce the relevant documents and specifically meet the objections concerning compliance with Section 70 of the Motor Vehicles Act, 1988, Rule 72 of the Chhattisgarh Motor Vehicles Rules, 1994, the alleged non-furnishing of requisite documents, tax liability, if any, and the alleged overlapping or cross-timing.

35. The private respondent shall also be afforded full opportunity to place on record the documents and material in support of the objections raised by him. The STAT shall thereafter consider the original record of the RTA, the application submitted by the petitioner, the documents accompanying the application, the documents subsequently placed on record, the objections raised

before the RTA, the permit and timing chart, as well as the material produced by the contesting respondents. The STAT shall thereafter determine, in accordance with law, whether the petitioner fulfilled the statutory requirements for grant of the permit and whether the permit granted by the RTA could legally be sustained.

36. The STAT shall also specifically examine the question of timings after considering the respective routes and timings of the petitioner and the contesting operators. If any objection regarding cross-timing or overlapping timing is found to arise, the same shall be dealt with by a reasoned finding based upon the relevant timing charts and the applicable statutory provisions. It is further directed that the STAT shall not reject the petitioner's case merely on the ground of an omission in any particular column of the application form without examining whether the information/document required under the Rules was otherwise furnished before the RTA and formed part of the record. At the same time, this direction shall not be construed as dispensing with any mandatory statutory requirement. The STAT shall determine the legal consequence of any deficiency, if found, strictly in accordance with the applicable provisions and the binding precedents.

37. The parties shall be at liberty to place before the STAT all relevant documents which were part of the proceedings before the RTA. The STAT shall also be at liberty to call for and examine the

complete original record of the RTA, if necessary for proper adjudication of the dispute. After considering the entire material and hearing all concerned parties, the STAT shall pass a fresh, reasoned and speaking order, uninfluenced by any observation contained in the present order touching upon the merits of the rival claims.

38. It has been noticed that vide order dated 01.08.2024, the co-ordinate Bench of this Court, as an interim measure, stayed the effect and operation of the impugned order dated 12.07.2024 passed by the State Transport Appellate Tribunal, Raipur, C.G., till the next date of hearing.

39. In view of the fact that the permit had already been granted by the RTA and the petitioner has been operating the vehicle under the interim protection granted by this Court, it is directed that the interim order passed by this Court shall continue to operate until the matter is considered by the STAT and an appropriate order is passed, subject to the condition that the petitioner shall strictly comply with the terms and conditions of the existing permit and all applicable statutory requirements.

40. It is clarified that continuation of the interim protection shall not be treated as an expression of opinion by this Court regarding the ultimate entitlement of the petitioner to the permit. The petitioner shall appear before the learned State Transport Appellate Tribunal, Chhattisgarh, Raipur, within 30 days from the date of receipt of

certified copy of this order. Upon such appearance, the STAT shall proceed with the matter and, considering the nature and age of the dispute, shall endeavour to decide the revision/appeal expeditiously, preferably within a period of 60 days from the date of appearance of the parties, without granting unnecessary adjournments to either side.

41. Needless to observe, if any party seeks an adjournment, the STAT shall consider such request only for sufficient cause and shall endeavour to ensure that the remanded proceedings do not remain pending for an unduly long period. The parties shall cooperate in the expeditious disposal of the proceedings and shall not seek unnecessary adjournments.

42. It is also clarified that the present order shall not revive or restore the findings recorded by the STAT in the impugned order dated 12.07.2024. The said order having been quashed, the revision/appeal shall be treated as pending before the STAT and shall be decided afresh in accordance with law. The order dated 23.08.2023 passed by the RTA shall remain subject to the fresh decision to be rendered by the STAT.

43. In view of the aforesaid directions, the writ petition is allowed. The impugned order dated 12.07.2024 passed by the State Transport Appellate Tribunal, Chhattisgarh, Raipur, is quashed and set aside. The matter is remanded to the State Transport Appellate Tribunal, Chhattisgarh, Raipur, for fresh adjudication in

accordance with law and in the light of the observations and directions contained herein.

44. It is made abundantly clear that this Court has not adjudicated the petitioner's ultimate entitlement to the permanent stage carriage permit nor has it finally determined the validity of the objections raised by respondent No.4. The entire controversy is left open for consideration by the STAT. The Tribunal shall decide the matter independently, on the basis of the material available before it and after affording adequate opportunity of hearing to all concerned parties.

45. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
21.09.2026	29.10.2026	------	29.10.2026