

OFFICE OF THE ADDITIONAL COMMISSIONER (TPT)/ SECRETARY (STA)
 TRANSPORT DEPARTMENT
 5/9, UNDER HILL ROAD, DELHI - 110054

F.No. F.21/Secy/STA/2002/RTV/14

Dated: 10th February 2012

Subject: Consolidated instructions on Replacement /Transfer/Renewal of RTV/Mini-Feeder Buses and its Local Stage Carriage Permits

ORDER

Replacement of RTV/Mini-Feeder Buses was discontinued from third week of January 2011 in view of the aspect of non-stability of the vehicles, introduction of Gramin Sewa and decision to phase out Blue-Line Buses. Now vide order dated 11.1.2012, the Govt has allowed replacement of RTV/Mini-Feeder Buses subject to certain conditions.

Vide order dated 18.8.2011 in WP (C) 5795/2011, the Hon'ble Delhi High Court has issued following directions: '*....In future no passenger stage carriage permits be granted/allotted whether under a scheme or otherwise, without advertising the same, so as to let all desirous of applying there for, know of availability thereof and without giving equal opportunity to all concerned.*' Since these directions gave a set-back to activities of the Touts/ Financers/Mafias, it was transpired that such elements were eyeing to grab permit of local stage carriage through another route i.e. transfer of permit. It was gathered during public hearings that in past few months, such elements have purchased old RTV/Mini-Feeder Buses with its permits at through away prices expecting replacement in near future to get the permit transferred in their name. Though permit can be transferred with the permission of the STA yet it was considered necessary to take precautions that such transfer did not resort to trading of permit especially when the stage carriage permit is a scares commodity being not open ended. Hon'ble Supreme Court in the matter of MC Mehta versus Union of India & Ors has also directed not to renew permits in case of its trading. In view of the Court orders, to protect interest of small operators and also to check such illegal activities of Touts/Financers/Mafia, the Department has taken certain precautions/decisions.

Recently orders dated 11.1.2012; 17.1.2012 and 25.1.2012 have been issued with regard to certain issues relating to replacement/transfer of RTV/Mini-Feeder buses and its permits. Subsequently few issues have also been raised by the operators which have now been decided by the Competent Authority. In supersession of these orders, following consolidated instructions/orders are hereby issued on various issues of RTV/Mini-Feeder buses:

178/CSH
 13-2-12
 3/2/12
 Ms. Manish

177
 9 March 2012

1. Route Change:

Route Change will not be allowed because as per section 80(3) of Motor Vehicle Act 1988, any variation, extension or curtailment of the route or routes or the area specified in the permit shall be treated as an application for the grant of a new permit. The directions of the Delhi High Court specifically provide for grant of new permits only after inviting applications from all desirous through advertisement.

2. Replacement:

Owners of RTV/Mini Buses (CNG) plying on Stage Carriage Permits granted by the STA, Delhi have been allowed vide order no. 21/5/Secy/STA/2002/RTV/2011/4 dated 11.1.2012 to replace the old vehicle at the expiry of 10 years of life of the vehicle from the date of its first registration or earlier against the same permit subject to following conditions:

- i. The vehicle should have six wheels conforming to Bharat Stage IV Emission Norms with CNG fuel mode and must have type approved by ARAI/VRDE and the Transport Department Delhi.
- ii. The approved seating capacity of the vehicle should not be less than 18 and not more than 24 excluding the driver. There shall not be any approved standing capacity.
- iii. The vehicle should have a body built by manufacturer (OEM) as per approved specifications of the ARAI/VRDE.
- iv. Six seats for ladies and two seats for senior citizens/handicapped persons should be kept reserved on left side of the bus.
- v. The vehicle should be installed with GPS device under the terms and conditions mentioned in order no. AS/STA/Tpt/2010/267-274 dated 26.4.2010.
- vi. Replacement will be allowed only in the name of the permit holder and transfer of permit (other than in favour of heir/successor in death case) shall not be allowed.

3. Transfer of Permit

As ordered vide notice no. 21/5/Secy/STA/2002/RTV/2011/09 dated 17.1.2012, permission to allow transfer of local stage carriage permit of RTV/Mini -Feeder bus has been restricted to the cases of death of permit holders that too in the name of legal heir/successor of the deceased permit holder.

Here it is clarified that transfer of registration of the old vehicle is permitted as per the provisions of the Motor Vehicle Act 1988 and grant of Contract Carriage Permits will also remain unchanged as these being open ended without any cap on its total number.

4. Waiver of certain Charges/Fees/Penalties

Considering that replacement of RTV/Mini-Feeder Buses was discontinued since third week of January 2011 and the operators were not in a position to replace old vehicles, as ordered vide order no. 21/5/Secy/STA/2002/RTV/2011/08 dated 25.1.2012, the below mentioned exemptions for a period of 11.1.2011 to 15.2.2012 have been made available, only in those cases where life of the vehicle has expired subsequent to 1.1.2011:

- a. Stand fee @ Rs. 2,400/- per month(required to be paid upto validity of permit)
- b. Composition fee @ Rs. 20/- per day(which is charged after expiry of permit)
- c. Penalty of Rs. 2000/- for not producing CNG non- leakage certificate
- d. Exemption from producing Pollution under control certificate at the time of fitness of expired vehicle.

The cases where life of the vehicle has expired prior to 1.1.2011 but the permit holder did not deposit permit in replacement mode have been treated as closed because such operators could have availed the option of replacement. Such vacant slots of local stage carriage permits will be filled in due course with the approval of the competent authority for issuing public notice in leading newspapers to invite applications.

5. Renewal of Expired Permits

Operators are representing that due to un-certainty on the issue of replacement some of them did not apply for renewal in time.

The Competent Authority has decided to allow renewal of Local Stage Permits in those cases where validity of permit expired after 1.1.2011 with the specific condition of not allowing its transfer except in case of death.

The Competent Authority has further decided that in those cases where permits validity expired prior to 1.1.2011, renewal not be allowed and to treat these slots as vacant because the non- renewal in time for considerable longer period is clear indication that the permit holder was not interested to operate the vehicle and renewal at this belated stage would lead to speculation/trading. Such vacant slots of local stage carriage permits will be filled in due course with the approval of the competent authority for issuing public notice in leading newspapers to invite applications.

6. Duration of Permit/renewal


Since the issue of stability of vehicle has been resolved by prescribing six wheel vehicles, the Competent Authority has decided that permits to be renewed for five years at a time instead of existing system of renewal for four month only. It would avoid frequent visits of operators to STA Branch.

7. Fitness of old vehicle for its replacement

Presently fitness of old vehicle is must for getting permission of replacement. Operators were requesting to allow replacement of vehicles on the basis of No-dues (Zero Fitness) without insisting for fitness of old vehicles because such vehicle have either been scrapped OR fitness at this stage would require un-productive expenditure of considerable amount while such vehicle are to be scrapped.

The Competent Authority has decided that in those cases where life of the vehicle and validity of permit has expired after 1.1.2011, replacement can be allowed on the basis of No-Dues (Zero Fitness) subject to the condition that the permit holder has to fulfill the requirement of section 55 of the Motor Vehicle Act regarding de-registration of the old vehicle.

The Competent Authority has further decided that the vehicles whose life has expired prior to 1.1.2011, to be treated as vacant slots because they could have availed the facility of replacement in time. Such vacant slots of local stage carriage permits will be filled in due course with the approval of the competent authority for issuing public notice in leading newspapers to invite applications.


(Yashpal Garg) 10/2/2012

Add. Commr-cum-Secretary, STA

Copy to:

1. Secretary to Hon'ble Minister of Transport, Govt of Delhi
2. Additional Commissioner (Operations), Transport Department
3. Joint Commissioner (VIU), Transport Department
4. Deputy Commissioner (STA), Transport Department
5. Deputy Commissioner (VIU), Transport Department
6. Deputy Commissioner (Operations), Transport Department
7. Dy. Controller of Accounts, Transport Department
8. Assistant Secretary (STA), Transport Department
9. PCO (STA), Transport Department
10. CMVI, VIU Burari, Transport Department
11. MLO (HQ), Transport Department
- ✓ 12. System Analyst to upload this order on website of the Department
13. Managing Director, DIMTS
14. PS to Pr. Secretary-cum-Commissioner (Transport)
15. PS to Special Commissioner (Transport)
16. PA to Additional Commissioner (Transport) cum Secretary STA
17. Notice Board of STA Branch

