

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

F.No. F.21/DS/STA/08 (2246)/46

Dated: 10<sup>th</sup> May 2012

**Subject: Consolidated instructions on Replacement/Transfer/Renewal of Maxi Cabs**

**ORDER**

About 102 maxi-cab permits were issued in 1996. Though the permits were issued under contract carriage yet the maxi-cabs have been allotted routes to ferry individual passenger from origin to end point of the route.

In October 2010, total 20 new Maxi-cab permits were issued against the old/expired/non-renewed permits out of the 102 permits issued originally. These permits have been quashed by the Delhi High Court vide order dated 24<sup>th</sup> April 2012 in WP(C) 219/2011 with the directions that such permits could be issued only through the process of inviting applications from general public by giving sufficient and advance public notice to all concerned. In a separate case about issuance of these 20 permits, the Hon'ble Delhi High Court vide order dated 18.8.2011 in WP (C) 5795/2011 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 has been transpired that such elements are eyeing to grab permits through another route i.e. transfer of permit. The original scheme of Maxi-Cabs specifically prohibits transfer of permits. Though as per MV Act 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 such 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 following consolidated instructions/orders are hereby issued with the prior approval of the Competent Authority, with immediate effects, on various issues of Maxi-Cabs:

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**1. Replacement:**

Owners of Maxi Cabs may be allowed to replace the old vehicle 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 more than 12 +1 including 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. Four 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.

**2. Transfer of Permit**

Transfer of permit is restricted to the cases of death of permit holders that too in the name of legal heir/successor of the deceased permit holder.

**3. Renewal of Expired Permits**

The renewal of permits to be allowed only in those cases where validity of permit has expired after 1.1.2012 with the specific condition of not allowing its transfer except in case of death. The cases where permits validity has expired prior to 1.1.2012, renewal will not be allowed and such slots will be treated as vacant because the non-renewal in time for considerable longer period is clear indication that the permit holder is not interested to operate the vehicle and renewal at this belated stage would lead to speculation/trading. Such vacant slots of permits will be filled in due course with the approval of the competent authority for issuing public notice in leading newspapers to invite applications.

**4. 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

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specifically provide for grant of news permits only through the process of inviting applications from general public by giving sufficient and advance public notice to all concerned.

**5. Duration of Permit/renewal**

Permits to be renewed for five years at a time to avoid frequent visits of operators to STA Branch.

  
(Yashpal Garg) 10/5/12

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. Additional 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. PA to Additional Commissioner ( Transport) cum Secretary STA
16. Notice Board of STA Branch