

## Regional Transport Authority, Gauhati and Another Vs Gauhati Transport Association and Another

**Court:** Gauhati High Court

**Date of Decision:** July 18, 1989

**Acts Referred:** Constitution of India, 1950 " Article 226  
Motor Vehicles Act, 1939 " Section 64A

**Citation:** AIR 1991 Guw 70

**Hon'ble Judges:** W.A. Shishak, J; Manisana, J

**Bench:** Division Bench

**Advocate:** B.P. Bora, for the Appellant; P.G. Barua, D. Goswami and H.R., for the Respondent

**Final Decision:** Dismissed

### Judgement

Manisana, J.

In this writ application, the Regional State Transport Authority Gauhati and its Secretary have challenged an order of the

State Transport Appellate Tribunal Assam at Gauhati made on 5-2-1982 in Appeal No. 49 of 1981 quashing the "additional permit conditions" in

respect of the State Carriage permits imposed by the Regional Transport Authority.

2. The decision of the Regional Transport Authority Gauhati is as follows :

The Regional Transport Authority on its meeting held on 28-1-81, decided to impose some additional permit conditions under Sections 48 and 51

of M. V. Act, 1939 (as amended up to date) in the interest of public service and it will be effective from the date of issue of this letter.

#### CONDITIONS

i) The vehicle shall not be withdrawn from operation without prior permission of the Chairman of the R.T.A.

ii) to v) xxx xxx xxx xxx

It may be noted that we are required to consider condition-I only.

3. The Appellate Tribunal in exercise of its powers u/s 64-A of the Motor Vehicles Act, for short the "MV Act", quashed the condition No. I

aforesaid on the ground that if the condition is allowed to sustain, in no circumstances the permit holders will be entitled to keep their vehicle off the

road even for a single day without prior permission of the Chairman of the RTA and that it is in flagrant violation of Rule 109 of the Rules framed

under the M. V. Act.

4. Mr. B. P. Bora, the learned counsel for the petitioners, has contended that the impugned order of the Appellate Tribunal is vitiated by bias. The

submission of the learned counsel is that the Appellate Tribunal has held that the petition filed by the respondents was barred by limitation and there

was no sufficient ground for condonation of delay in filing the petition. But the Appellate Tribunal exercised its revisional jurisdiction u/s 64-A on its

own motion. Therefore, the impugned order is vitiated by bias.

5. u/s 64-A, the Appellate Tribunal may, either on its own motion or on an application made to it, decide whether the order of the Regional

Transport Authority is illegal or improper.

6. It is settled law that the High Court can quash the order of the Appellate Tribunal if it is vitiated by bias. But the High Court shall not quash the

order merely because, in the opinion of the High Court, the view taken by the Appellate Tribunal was wrong (see Raman and Raman Ltd. Vs. The

State of Madras and Another,

7. The petition filed by the respondents although was barred by limitation, it could be used by the Appellate Tribunal for drawing the attention of

the Appellate Tribunal and the Appellate Tribunal may act on the information furnished, or on the facts stated in the application suo motu. In other

words, the petition filed by the respondents was merely for drawing the attention of the Appellate Tribunal and it was the duty of the Appellate

Tribunal to take suitable action on the application. In this view of the matter, we are of the opinion that there was no bias.

8. One of the grounds of allowing the appeal by the Appellate Tribunal is that the condition would cause hardship to the permit holders. Even if we

like to come to a different conclusion, it cannot be a ground for quashing the order in view of the discussion above.

9. As regards the violation of Rule 109, we keep the matter open as the petition can be disposed of on the ground, as already stated.

10. For the foregoing reasons, the petition is dismissed. No costs.

W.A. Shishak, J.

11. I agree.