

(1974) 08 SC CK 0010

In the Supreme Court Of India

Case No : Civil Appeal No. 885 of 1968

Ali Ahmad and Sons, Bus Operators, Kothi Road, Rewa

APPELLANT

Vs

Ramgopal Satya Narain and Others

RESPONDENT

Date of Decision : 06-08-1974

Acts Referred:

Motor Vehicles Act, 1939 — Section 68C, 68F(1D)

Citation : AIR 1974 SC 1876 : (1974) 2 SCC 491 : (1974) 6 UJ 489

Hon'ble Judges : A. N. Ray, C.J.; K. K. Mathew, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Mathew, J.—The appellant is a firm. It held a stage carriage permit from Shadol to Manendragarh, a route covering a distance of about 82 miles. The appellant applied to the Regional Transport Authority for extension of the permit upto Rewa. The application was allowed. An appeal filed against the order was dismissed But the extension of the permit upto Rewa was quashed by the High Court. It is from the order of the High Court that this appeal, by special leave has been filed.

2. Mr. Phadke, appearing for the respondent, raised a preliminary objection to the maintainability of this appeal. He said that the Madhya Pradesh State Road Transport Corporation had published a draft scheme on September 3, 1971, under which the route from Shadhol to Rewa has been proposed to be nationalised, and that u/s 68F(1D) of the Motor Vehicles Act, 1939, no permit shall be granted or renewed during the period intervening between the date of the publication u/s 68C of any scheme and the date of the publication of the approved scheme in favour of any person in relation to a route covered by the scheme, and that the proviso to Section 68F(1D) is not attracted as the permit of the appellant for the extended route had already expired before the publication of the scheme.

3. Section 68F(1D) provides :

Save as otherwise provided in Sub-section (1A) or Sub-section (10), no permit shall be granted or renewed during the period intervening between the date of publication, u/s 68C of any scheme and the date of publication of the approved or modified scheme, in favour of any person for any class of road transport service in relation to an area or route or portion thereof covered by such scheme.

Provided that where the period of operation of a permit in relation to any area, route or portion thereof specified in a scheme published u/s 68C expires after such publication, such permit may be renewed for a limited period, but the permit so renewed shall cease to be effective on the publication of the scheme under sub-Section (3) of Section 68D.

4. So, even if this Court were to allow the appeal, it cannot grant or direct the grant of an extension of the permit from Shahdol to Rewa. Therefore, this appeal has become infructuous and we dismiss it. We make no order as to costs.