
(2015) 03 UK CK 0032

In the Uttarakhand High Court

Case No : Writ Petition No. 506 of 2015 (M/S)

ANI Technologies Pvt. Ltd.

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 19-03-2015

Acts Referred:

Motor Vehicles Act, 1988 — Section 93

Citation : AIR 2015 Utt 90

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : Arvind Vashistha, Senior Advocate assisted by Khalid Arshad, for the Appellant; A.K. Joshi, Additional Chief SC, Advocates for the Respondent

Final Decision : Allowed

Judgement

Alok Singh, J.

1. Present petition is filed assailing the order dated 20.01.2015 and 28.01.2015, Annexure Nos. 2 and 3 to the writ petition respectively, passed by respondent Nos. 2 and 3, whereby all the SSPs were directed to stop operation of M/s. OLA and identical companies, who are providing mobile phone/internet services for booking of taxies. Petitioner company is duly registered under the Telecom Policy of 1999 for using mobile phone and internet technology for providing facility of booking/hiring all types of motor vehicles to any customer through taxi operators/service providers holding valid contract carriage permit under the Motor Vehicles Act.

2. Mr. A.K. Joshi, learned Additional Chief Standing Counsel, contends that in view of Section 93 of the Act, petitioner is not competent to provide the services for hiring the taxies.

3. Section 93 of the Motor Vehicles Act, 1988 reads as under:

"93. Agent or canvasser to obtain licence.--

(1) No person shall engage himself-

(i) as an agent or a canvasser, in the sale of tickets for travel by public vehicles or in otherwise soliciting customers for such vehicles, or

(ii) as an agent in the business of collecting, forwarding or distributing goods carried by goods carriages,

unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government.

(2) The conditions referred to in sub-section (1) may include all or any of the following matters, namely:-

(a) the period for which a licence may be granted or renewed;

(b) the fee payable for the issue or renewal of the licence;

(c) the deposit of security-

(i) of a sum not exceeding rupees fifty thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by goods carriages,

(ii) of a sum not exceeding rupees five thousand in the case of any other agent or canvasser;

and the circumstances under which the security may be forfeited;

(d) the provision by the agent of insurance of goods in transit;

(e) the authority by which and the circumstances under which the licence may be suspended or revoked;

(f) such other conditions as may be prescribed by the State Government.

(3) It shall be a condition of every licence that no agent or canvasser to whom the licence is granted shall advertise in any newspaper, book, list, classified directory or other publication unless there is contained in such advertisement appearing in such newspaper, book, list, classified directory or other publication the licence number, the date of expiry of licence and the particulars of the authority which granted the licence."

4. Bare perusal of Section 93 of the Act would demonstrate that no person without obtaining the licence shall engage himself as an agent or a canvasser, in the sale of tickets for travel by public service vehicles or in otherwise soliciting customers for such vehicles; or an agent in the business of collecting, forwarding or distributing goods carried by goods carriages.

5. Undisputedly, petitioner company neither sell the tickets for travel by public service vehicles nor is indulged in soliciting customers for use of particular taxi owner or the company. The only service being provided by the petitioner

company is - the moment request is received by the customer to send the taxi, petitioner company forward that request to the different taxi owners of nearby area for which nothing is being charged by the petitioner company from the passenger or person desirous to have taxi services.

6. In my humble opinion, petitioner company does not fall within the four corners of Section 93 of the Act.

7. In view of the above, present petition succeeds and is hereby allowed. Impugned orders qua the petitioner are hereby quashed. CLMA No. 2129 of 2015 also stands disposed of accordingly.