



CGHC010039092026



2026:CGHC:39346

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 386 of 2026**

Royal Travels Through Its Partner Sayyad Anwar Ali, Aged About 57 Years,
S/o. Sayyad Ahmed Ali, Intek Well Marg, Bhatagaon, Raipur. Distt. Raipur,
Chhattisgarh

... Petitioner**versus**

1 - State Of Chhattisgarh, Through Secretary, Department Of Transport,
Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh

2 - State Transport Authority, 3rd Floor, Indravati Bhawan, Nava Raipur,
Mantralaya, Raipur, Chhattisgarh

3 - Mohd. Shahbuddin, S/o. Late Mohd. Kamrujama, Bus Operator, R/o.
Mominpara, Ambikapur, Distt. Sarguja, Chhattisgarh

... Respondents

For Petitioner	:	Mr. B.L.Dembra, Advocate
For State/Respondents No.1 & 2	:	Mr. Shobhit Mishra, Dy. Govt. Advocate
For Respondent No.3	:	Mr. Subodh Pandey, Advocate appeared through Video Conferencing

(Single Bench)

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

08.09.2026

1. Heard Mr. Bharat Lal Dembra, learned counsel for the petitioner as well as Mr. Shobhit Mishra, learned Dy. Govt. Advocate appearing for the State/respondents No.1 & 2 and Mr. Subodh Pandey, learned counsel appearing for respondent No.3.
2. The instant writ petition is preferred by the petitioner under Article 226 of the Constitution of India with the following relief(s):-

“10.1 The Hon'ble Court may kindly be pleased to issue a writ or direction, calling for the records from the concerned authorities for its kind perusal.

10.2 The Hon'ble Court may kindly be pleased to issue a writ or direction, quashing/set-aside the order dated 19.12.2025 in revision no. 10/2025 by the State Transport Appellate Tribunal Raipur so far as it relates to remitting back the matter to the RTA for fresh hearing after fulfilling the application by the respondent no.3.

10.3. That, the Hon'ble Court may further be pleased to stay the further proceedings of the RTA relates to rehearing of the matter as directed by the STAT as per order impugned till the next date of hearing.

10.3 Any other relief which this Hon'ble Court may deem fit and proper looking to the facts and circumstances of the case may also be awarded to the petitioner including the cost and expenses of this petition.

3. Brief facts of the case, in a nutshell, are that the petitioner is a stage carriage operator holding valid permits on various routes, including the route Durg to Trishuli via Raipur, Bilaspur, Katghora and back one trip daily, and is therefore an affected person in respect of the grant of any competing permit on the said route. Respondent No.3 submitted an application before the Regional Transport Authority ('RTA') seeking grant of a permanent stage carriage permit on the route Odgi to Raipur via Bhailyathan, Patna, Baikunthpur, Khadgava, Chhotiya, Katghora, Bilaspur and back with one single trip daily. The petitioner objected to the grant of the permit on the ground that the application submitted by respondent No.3 was incomplete and did not satisfy the mandatory statutory requirements. Despite such objections, the RTA, vide order dated 27.12.2024, allowed the application and issued a permit in favour of respondent No.3.
4. Aggrieved thereby, the petitioner preferred a revision before the State Transport Appellate Tribunal, Chhattisgarh, Raipur ('STAT'). Upon consideration of the matter, the learned Tribunal recorded a categorical finding that the application filed by respondent No.3 was incomplete and not in accordance with law. The Tribunal further relied upon the judgment rendered in ***Shailesh Vijayvargia v. State of M.P. & Others (WP No.7081/2014 decided on 09.10.2014)***, wherein it was held that an

incomplete application cannot be entertained and is liable to be rejected. However, after setting aside the order of the RTA, the Tribunal remanded the matter back with a direction that respondent No.3 be permitted to remove the defects in the application and that the application be reconsidered thereafter.

5. The grievance of the petitioner in the present writ petition is that once the Tribunal had arrived at a specific finding that the application was incomplete and legally defective, it could not have directed the authorities to allow the respondent to cure such defects subsequently and reconsider the matter. According to the petitioner, the only consequence flowing from such a finding was rejection of the application itself. The petitioner has also raised objections regarding clash of timings and consideration of documents allegedly produced after conclusion of the proceedings, which have not been appropriately dealt with by the Tribunal. Hence, the present petition.
6. Learned counsel for the petitioner submits that the impugned order passed by the learned State Transport Appellate Tribunal ('STAT') suffers from patent illegality and jurisdictional error inasmuch as, after having categorically recorded a finding that the application submitted by respondent No.3 for grant of a permanent stage carriage permit was incomplete and not in accordance with law, the Tribunal proceeded to remand the matter to the Regional Transport Authority with a direction that the deficiencies in the application be cured and the matter be considered afresh. It is submitted that such a course of action is wholly

impermissible in law. Once the Tribunal reached the conclusion that the application itself was defective and did not fulfill the mandatory statutory requirements, the only consequence that could legally follow was rejection of the application. By permitting respondent No.3 to rectify the defects after the application had already been considered and adjudicated upon, the Tribunal has effectively allowed respondent No.3 to fill up the lacunae in the proceedings, thereby conferring an undue advantage which is contrary to the scheme of the Motor Vehicles Act and the Rules framed thereunder.

7. Learned counsel further submits that the issue is no longer *res integra* and stands concluded by the judgment rendered by the Hon'ble High Court of Madhya Pradesh in ***Shailesh Vijayvargia*** (supra), wherein it has been specifically held that an incomplete application for grant of permit is liable to be rejected and cannot be entertained by the transport authorities. According to learned counsel, the learned Tribunal itself relied upon the aforesaid judgment while holding that the application of respondent No.3 was incomplete; however, having accepted the legal position, it acted inconsistently by directing reconsideration after removal of defects. Such a direction, it is contended, is directly contrary to the ratio laid down by the High Court and therefore cannot be sustained.
8. It is further submitted that the legality and validity of an application are required to be examined with reference to the date on which the application is taken up for consideration and hearing. Admittedly, on the

date when the application of respondent No.3 was considered by the competent authority, the application was incomplete and deficient in material particulars. Therefore, the rights of the parties crystallized on that date itself and respondent No.3 could not subsequently be permitted to cure the defects so as to validate an otherwise invalid application. Learned counsel submits that allowing post-hearing rectification of defects would defeat the very object of the statutory procedure, undermine transparency in the permit-granting process, and prejudice the rights of existing operators who had raised objections on the basis of the application as originally filed.

9. Learned counsel also contends that once the order passed by the Regional Transport Authority had already been set aside by the learned Tribunal, there remained no justification for remanding the matter for a fresh hearing. In support of this submission, reliance has been placed upon the decision of the Full Bench of the Hon'ble High Court of Madhya Pradesh in ***Surendra Mohan Chaurasiya v. State Transport Appellate Tribunal, AIR 1970 MP 230***, wherein it has been held that remanding permit matters to the Regional Transport Authority is ordinarily impermissible and contrary to the statutory framework. It is argued that the Tribunal, being the final fact-finding appellate authority under the Act, was required to finally adjudicate the dispute instead of relegating the parties to another round of proceedings. The remand order, therefore, amounts to an abdication of jurisdiction vested in the Tribunal.

10. Lastly, learned counsel submits that the Tribunal has also committed a manifest error in observing that the routes of the petitioner and respondent No.3 are different and, therefore, no issue of conflict arises. According to learned counsel, a substantial portion of the route proposed by respondent No.3 overlaps with the route already being operated by the petitioner and the proposed timings of the vehicles intersect with each other. It is contended that under the applicable provisions governing grant of stage carriage permits, including Section 70 and the relevant Rules, clashing timings on common sectors of a route are not permissible. Despite specific objections having been raised in this regard, the Tribunal failed to examine the issue in its proper perspective and ignored the material on record. Consequently, the impugned order is vitiated by non-consideration of relevant factors, misapplication of law and failure to exercise jurisdiction in accordance with settled legal principles, and therefore deserves to be set aside.
11. On the other hand, learned State Counsel appearing for respondents No.1 and 2 vehemently opposes the writ petition and submits that the impugned order passed by the learned STAT does not suffer from any illegality, perversity or jurisdictional error warranting interference in exercise of writ jurisdiction under Article 226 of the Constitution of India. It is submitted that the entire process for grant of permit was undertaken strictly in accordance with the provisions of the Motor Vehicles Act, 1988 and the Chhattisgarh Motor Vehicles Rules, 1994. The application submitted by respondent No.3 was duly received by the Regional Transport Authority, published in the prescribed manner,

objections were invited from all interested persons and existing operators, and adequate opportunity of hearing was afforded to all stakeholders before any decision was taken. Therefore, the petitioner cannot contend that there has been any violation of the principles of natural justice or any procedural irregularity in the decision-making process.

12. Learned State Counsel further submits that the Regional Transport Authority, while considering the application for grant of stage carriage permit, had specifically examined the proposed route and timings in light of Rule 70-B of the Chhattisgarh Motor Vehicles Rules, 1994. The objections raised by the petitioner and other operators with regard to the alleged clash of timings were also considered. Upon such consideration, the proposed timings were suitably modified so as to ensure compliance with the minimum interlude requirements prescribed under Rule 70-B(4). It is contended that the statutory provisions do not prohibit grant of permit merely because a portion of the route overlaps with that of an existing operator. What is required is avoidance of impermissible timing conflicts and safeguarding public convenience, both of which were duly taken into account by the competent authority while granting the permit in favour of respondent No.3.
13. It is next submitted that the principal challenge raised by the petitioner pertains to the power of the learned STAT to remand the matter for fresh consideration. According to learned State Counsel, the contention is wholly misconceived. Referring to Section 90 of the Motor Vehicles Act,

1988, it is argued that the revisional authority has been conferred wide powers to pass such orders as it may deem fit in the facts and circumstances of a given case. Such powers necessarily include the authority to set aside an order and remit the matter to the original authority for fresh consideration whenever the revisional authority finds that certain aspects require reconsideration or that adequate opportunity has not been afforded to the parties. Therefore, the direction issued by the learned STAT remitting the matter to the Regional Transport Authority for a fresh decision after granting due opportunity to all concerned parties cannot be said to be beyond jurisdiction.

14. Learned State Counsel also submits that the learned STAT, after examining the record, found that except for objections relating to the proposed timings, no substantial objection had been raised before the Regional Transport Authority. The Tribunal further found that the issue concerning the alleged deficiencies in the application required proper examination by the competent authority. In such circumstances, instead of finally adjudicating the matter on disputed factual aspects, the Tribunal adopted the course of remand so that the Regional Transport Authority could reconsider the matter comprehensively after hearing all concerned parties. Such an order, it is submitted, advances the cause of justice and ensures a fair adjudicatory process rather than causing prejudice to any party.
15. Lastly, learned State Counsel submits that both the Regional Transport Authority as well as the State Transport Appellate Tribunal are statutory

authorities discharging quasi-judicial functions under the Motor Vehicles Act, 1988. The findings recorded by such authorities are based on appreciation of factual aspects relating to route feasibility, public convenience, transport requirements and timing regulations. In the absence of any manifest arbitrariness, patent illegality or jurisdictional error, this Court, while exercising supervisory jurisdiction, ought not to substitute its own view for that of the competent statutory authorities. It is therefore submitted that the impugned order has been passed in accordance with the statutory scheme governing grant of stage carriage permits and does not warrant interference. The writ petition, being devoid of merit, deserves to be dismissed.

16. Learned counsel appearing for respondent No.3, while adopting the submissions advanced by the learned State Counsel appearing for respondents No.1 and 2, further submits that the present writ petition is wholly misconceived and is liable to be dismissed. It is contended that respondent No.3 had submitted an application for grant of a regular stage carriage permit strictly in accordance with the provisions of the Motor Vehicles Act, 1988 and the Chhattisgarh Motor Vehicles Rules, 1994. The application was duly processed by the competent authority, published for inviting objections from existing operators and interested persons, and thereafter considered after affording an opportunity of hearing to all concerned parties. Thus, the petitioner cannot be permitted to challenge a process which was conducted in a transparent and fair manner in accordance with the statutory procedure. He further submits that the principal grievance raised by the petitioner is founded upon an alleged

deficiency in the application submitted by respondent No.3. However, even assuming without admitting that certain particulars required clarification or completion, the learned State Transport Appellate Tribunal, in exercise of its revisional jurisdiction under Section 90 of the Motor Vehicles Act, was fully competent to set aside the order of the Regional Transport Authority and remit the matter for fresh consideration. It is submitted that the object of such remand is to ensure that the matter is adjudicated on its merits after considering all relevant materials and after providing adequate opportunity to all parties. Therefore, no prejudice whatsoever is caused to the petitioner by the impugned order, as all objections raised by the petitioner remain open for consideration before the competent authority.

17. Learned counsel for respondent No.3 also submits that the petitioner is seeking healthy competition in the transport sector under the guise of raising technical objections. The grant of stage carriage permits is primarily intended to serve the convenience of the travelling public, and the competent authority, while granting the permit, had taken into consideration the transport needs of the public as well as the availability of services on the route concerned. It is argued that the Motor Vehicles Act does not recognize any monopoly in favour of an existing operator and the petitioner cannot claim an exclusive right to operate on a route merely because it is already holding permits on overlapping sectors thereof. It is further submitted that the objections regarding alleged clash of timings are entirely misconceived. The Regional Transport Authority had specifically examined the proposed time schedule and made

necessary modifications to ensure compliance with Rule 70-B of the Chhattisgarh Motor Vehicles Rules, 1994. The learned Tribunal has also recorded a finding that no impermissible conflict of timings existed on the route. Whether there exists any actual timing clash or not is essentially a question of fact which is required to be examined by the transport authorities having expertise in such matters. The petitioner cannot seek re-appreciation of such factual issues in exercise of writ jurisdiction.

18. Lastly, learned counsel submits that the impugned order passed by the learned State Transport Appellate Tribunal is a well-reasoned order passed in exercise of statutory powers vested under the Motor Vehicles Act, 1988. The Tribunal has neither granted any final relief in favour of respondent No.3 nor prejudiced the rights of the petitioner; rather, it has merely directed reconsideration of the matter by the competent authority after granting due opportunity of hearing to all concerned parties. In such circumstances, no interference is called for by this Court under Article 226 of the Constitution of India. The writ petition, being devoid of substance, deserves to be dismissed with costs.
19. Reliance has been placed upon the judgment rendered by the Co-ordinate Bench of this Court in ***Harikrishna Ogare v. Regional Transport Authority (WPC No.4138/2025 decided on 27.01.2026)*** as well as the judgment rendered by the Division Bench of this Court in ***M/s Rainbow Travels v. Regional Transport Authority (WA No.260/2026 decided on 01.04.2026)*** to buttress his submissions.

20. I have heard learned counsel for the parties and perused the documents annexed with the writ petition.
21. Before proceeding to examine the rival submissions advanced on behalf of the parties, it would be apposite to refer to the relevant statutory provisions governing the controversy.
22. Section 72 of the Motor Vehicles Act, 1988, which deals with grant of stage carriage permits, empowers the Regional Transport Authority to grant a stage carriage permit subject to such conditions as may be specified therein. The provision contemplates consideration of an application made in accordance with law and authorizes the permit granting authority to impose conditions while granting such permit.
23. Section 80(2) of the Motor Vehicles Act, 1988 provides as under:-

“80. Procedure in applying for and granting permits.(1)***

(2) A Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) shall not ordinarily refuse to grant an application for permit of any kind made at any time under this Act.”

24. Section 90 of the Motor Vehicles Act, 1988, which confers revisional jurisdiction upon the State Transport Appellate Tribunal, reads thus:-

“90. Revision.-The State Transport Appellate Tribunal may, on an application made to it, call for the record of any case in which an order has been made by State Transport Authority or Regional

Transport Authority against which no appeal lies, and if it appears to the State Transport Appellate Tribunal that the order made by the State Transport Authority or Regional Transport Authority is improper or illegal, the State Transport Appellate Tribunal may pass such order in relation to the case as it deems fit and every such order shall be final.”

25. Equally relevant is Rule 70-B of the Chhattisgarh Motor Vehicles Rules, 1994, which regulates determination of timings of stage carriage permits. Rule 70-B(1) provides that while considering and determining the time-cycle on any route in relation to grant of a new stage carriage permit or change of timings of an existing permit, the permit granting authority shall pay special attention to, inter alia, the following factors: (a) Benefit and convenience of the travelling public; (b) Interlude between timings and timing clashes with operators on overlapping routes; (c) Nature and distance of service proposed; (d) Necessity of the proposed timings for the travelling public, particularly in remote and backward areas; (e) Coordination between road and rail transport and connectivity with tourist, religious and industrial centres; (f) Guidelines issued by superior Courts or authorities; and (g) Objections raised by existing operators and suggestions from the public.
26. Rule 70-B(4) prescribes the minimum permissible interlude between timings of stage carriages on overlapping routes. The Rule stipulates that the permit granting authority shall fix common stoppages and halting times on routes which overlap partly or wholly. The prescribed minimum time-gap is as follows:

Place	Ordinary Service	Express/Deluxe Service
District Headquarters	10 Minutes	5 Minutes
Tehsil Headquarters	5 Minutes	3 Minutes
Other Towns (Population below 10,000)	3 Minutes	2 Minutes
Villages	1 Minute	Nil

27. Rule 70-B(5) further prescribes the procedure for determination of timings and mandates publication of the summary of the application and invitation of objections.
28. A conjoint reading of the aforesaid provisions would indicate that while the Motor Vehicles Act adopts a liberal approach towards grant of permits, the same is nevertheless required to be undertaken in accordance with the statutory procedure prescribed under the Act and the Rules. The permit granting authority is obligated to consider the application as presented before it, invite objections, examine the issue of timing conflicts and overlapping routes, and thereafter take a decision on the basis of the material available on record.
29. Having bestowed anxious consideration to the rival submissions and upon perusal of the record, this Court finds that the learned State Transport Appellate Tribunal, while exercising revisional jurisdiction under Section 90 of the Motor Vehicles Act, 1988 recorded a categorical finding that the application submitted by respondent No.3 was incomplete and did not satisfy the requisite statutory requirements.

Having arrived at such a conclusion, the Tribunal proceeded to set aside the order of the Regional Transport Authority and remitted the matter back with a direction that the deficiencies in the application be removed and thereafter the matter be considered afresh. In the considered opinion of this Court, the aforesaid course adopted by the Tribunal is legally unsustainable.

30. Once a statutory authority records a finding that an application is incomplete and suffers from defects going to its very maintainability, the rights of the parties are required to be adjudged on the basis of the application as it existed on the date of consideration. Permitting an applicant to subsequently cure deficiencies after the matter has already undergone adjudication would amount to allowing such applicant to improve upon his case and fill up lacunae which existed on the relevant date. Such a course not only militates against the principles of fairness and transparency governing the grant of permits but also causes prejudice to competing operators who had raised objections with reference to the application in its original form. The legality of an application has necessarily to be tested on the basis of the material available when the competent authority undertakes consideration thereof and not on the basis of material which may subsequently be brought on record.
31. This Court further finds substance in the contention advanced on behalf of the petitioner that the learned Tribunal, having set aside the order passed by the Regional Transport Authority, could not have directed the defects in the application to be cured and thereafter permitted a fresh

consideration thereof. The revisional authority was required to adjudicate the legality of the order under challenge on the basis of the record available before it. The impugned direction virtually grants respondent No.3 a fresh opportunity to rectify deficiencies in the application, notwithstanding the Tribunal's own finding that the application was incomplete. Such an approach is inconsistent with the law governing consideration of permit applications and defeats the sanctity of the statutory procedure.

32. This Court is also of the opinion that the learned Tribunal has not rendered any conclusive finding on various issues specifically raised before it by the petitioner, including the effect of the alleged deficiencies in the application, the legal consequences flowing therefrom, and the objections relating to overlapping routes and timing conflicts. Instead of adjudicating the issues arising in the revision petition on their own merits, the Tribunal has chosen to remit the matter to the Regional Transport Authority after permitting rectification of defects. Such a course has resulted in failure to exercise the jurisdiction vested in the Tribunal in accordance with law.
33. This Court has also considered the judgments relied upon by learned counsel appearing for respondent No.3, namely, ***Harikrishna Ogare*** (supra) and ***M/s Rainbow Travels*** (supra). The legal principles enunciated therein, particularly with regard to the scope of revisional jurisdiction of the State Transport Appellate Tribunal and the objective of ensuring fair consideration of permit applications, are not in dispute and

are of assistance to the extent of elucidating the statutory framework governing transport matters. Once such a finding had been returned, the consequential direction permitting rectification of defects and reconsideration of the application could not have been sustained in law. Therefore, while the judgments cited by respondent No.3 are helpful in understanding the governing legal principles, they do not support the impugned course adopted by the learned Tribunal in the facts of the present case.

34. Accordingly, and for the reasons recorded hereinabove, the writ petition deserves to be and is hereby allowed. The impugned order dated 19.12.2025 passed by the learned State Transport Appellate Tribunal, Chhattisgarh, Raipur in Revision Case No.10/2025 is hereby set aside. The matter is remanded to the learned State Transport Appellate Tribunal for fresh adjudication of the revision petition on its own merits.
35. It is directed that the learned Tribunal shall reconsider and decide the revision petition afresh strictly in accordance with law and on the basis of the material which was available before the Regional Transport Authority at the time of consideration of the application. The Tribunal shall independently examine all contentions raised by the parties, including the legal effect of the alleged incompleteness of the application, the objections relating to overlapping routes and timings, and all other issues arising from the record, without being influenced by any observation contained in the earlier order. It is further clarified that respondent No.3 shall not be permitted to supplement, improve, rectify or fill up any

alleged deficiency in the original application for the purpose of adjudication of the revision proceedings, and the matter shall be decided on the basis of the record as it stood on the relevant date of consideration by the Regional Transport Authority.

36. Since this Court has not expressed any opinion on the merits of the rival claims of the parties, all questions of fact and law are left open to be urged before and decided by the learned **Tribunal**. The learned State Transport Appellate Tribunal shall make an endeavour to decide the revision petition expeditiously, preferably within a period of three months from the date of receipt of a certified copy of this order.
37. There shall be no order as to costs.

Ashok

Sd/-
(**Amitendra Kishore Prasad**)
Judge