

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION (L) NO. 9775 OF 2020

Savina R. Crasto

...Petitioner

V/s.

The Union of India & Ors.

...Respondents

Ms. Savina R. Crasto, petitioner-in-person, present.

Mr. Rajshekhar V. Govilkar with Ms. Anamika Malhotra for respondent no. 1.

Mr. Janak Dwarkadas, senior advocate with Mr. Ankit Lohia, Ms. Sita Kapadia, Mr. Shashwat Rai, Mr. Akash Loya and Ms. Tvishi Pant i/by Keystone Partners for respondent nos. 3 & 4.

Ms. Jyoti Chavan, AGP with Mr. Himanshu B. Takke, AGP for State.

Mr. Jitendra Patil, Addl. Transport Commissioner, Maharashtra State, Mumbai, present.

Mr. Bharat Kalaskar, RTO, Mumbai (Central), present.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: APRIL 5, 2022

P.C.:

1. Ms. Chavan, learned AGP for the State has placed a report of compliance of the directions given by this Court on 7th March 2022. The compliance report is taken on record and marked 'X' for identification.

- 2.** We have read the compliance report together with its enclosures.
- 3.** It appears that upon a notification in the Official Gazette being published on 9th March 2022 calling upon the aggregators to apply for license on or before 16th March 2022, total of 29 applications were received and upon scrutiny of such applications, provisional aggregator licenses have been issued to 12 applicants, whereas 17 other applications are under scrutiny.
- 4.** A copy of the compliance report has been furnished to the petitioner, appearing in person as well as to the other parties.
- 5.** We have heard the parties at some length today.
- 6.** Although the petitioner has sought to impress us that the app formulated by the respondent no.3/4 (UBER) is deficient in certain respects and that the app of OLA, another aggregator, is more customer friendly, Mr. Dwarkadas, learned senior advocate for UBER disputes such contention. According to him, having regard to its own business interest, UBER would not like to lag behind OLA and hence the app has been formulated with in-built features to cater to any complaint of a passenger.
- 7.** We are of the opinion that at this stage deeper examination of the contentious issue is not warranted. A regulatory mechanism has been put in place, hitherto non-existent. The aggregators are required to comply with the

statutory guidelines as contained in the Motor Vehicle Aggregator Guidelines, 2020 framed by the Central Government till such time the State Government comes up with appropriate guidelines. The licenses that have provisionally been issued to the aggregators require the licensees to comply with several conditions as contained therein, including the conditions in the 2020 guidelines. During the next two (2) months and before the public interest litigation is taken up for further consideration, the State Government may, drawing from experience of plying of cabs by the aggregators as well as the nature of complaints that are lodged with it or with the aggregators through the apps formulated by them, observe if there are still deficiencies in the system which would require to be addressed in a time-bound manner. It shall then be open to the State Government to introduce further conditions and/or suggest measures that are customer-friendly. The State Government shall also be at liberty to have its own guidelines prepared and approved by the competent authority, in the meanwhile.

8. The petitioner may also bring on record, by filing an additional affidavit by 10th June 2022, her experience after the regulatory mechanism has been put in place and if any particular area requires attention of the Central Government as well as the State Government, the same may be pointed out in such additional affidavit for consideration by the Court.

9. The State Government is granted liberty to file an additional affidavit to indicate therein what other measures the aggregators may be required to comply with in the better

interest of the travelling passengers, if any.

10. The PIL petition shall be listed on **20th June 2022** under the heading 'for admission'.

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Date: 2022.04.07
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(M. S. KARNIK, J.)

(CHIEF JUSTICE)