

**BBN Passenger Cooperative Transport Society Ltd. vs.
State of H. P. & Ors.**

CWP No. 5400 of 2024

03.07.2025 Present: Mr. Ajay Sharma, Sr. Advocate with Mr. Tarun K. Brakta, Advocate, for the petitioner.

Mr. Anup Rattan, A.G. with Mr. Ramakant Sharma, Mr. Navlesh Verma, Ms. Sharmila Patial, Mr. Sushant Keprate, Addl. A.Gs. and Mr. Raj Negi, Dy. A.G., for the respondent-State.

Learned Additional Advocate General, on instructions, state that since the petitioner is not submitting the details of distance covered by the vehicles of the Society for the purpose of determining the total kilometers, therefore, it is difficult to fix the fare.

To say the least, the submission is not only fallacious but it does not appeal to the common sense given the fact that the petitioner is a Society operating only in Tehsil Baddi, which is essentially a plain area and we really do not understand as to how the figures of a single transport society can form the basis or determine the fare that is required to be fixed under Section 67 of the Motor Vehicle Act, 1988 (for short the 'Act') more particularly, when the State is predominantly a hill State and this factor has essentially to be kept in mind while determining the fare.

The next contention raised by the learned Additional Advocate General is that the petitioner is not registered under the H.P. Passengers & Goods Tax Act and, therefore, cannot be heard in the matter.

Needless to say, this is a question, which is required to be determined at the later stage. First of all, it is the accountability of the State and its officers as to why post attainment of Statehood, they have not been in a position to determine the fare of the '*contract carriage*'.

Clearly, the respondents appear to be avoiding the statutory responsibility by not fixing the fare despite the fact that this State has attained Statehood in the year, 1971.

List on 07.07.2025.

(Tarlok Singh Chauhan)
Judge

(Sushil Kukreja)
Judge

3rd July, 2025
(sanjeev)