

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No.4108 of 2012

U.P. STATE ROAD TRANSPORT CORPORATION  
THROUGH ITS REGIONAL MANAGER

Appellant(s)

VERSUS

SHIV KUMAR GUPTA & ORS.

Respondent(s)

O R D E R

The present appeal is with respect to the grant of permits for the route Meerut-Ambala via Muzaffarnagar, Bamanheri, Deoband, Gagalheri, Saharanpur, Sarsawan, Yamunapul. This route has been set out at pg. 59 of the paper book.

In terms of the impugned order, the subsequent developments during the pendency of the petition before the High Court were taken note of and in that context it was opined that though the respondents cannot be permitted to operate on a notified scheme, if there is overlapping of the routes, the respondents should be permitted to operate such of the sections of the route which are not notified. It was further opined as to how the private operators run their business is for them to see.

The present appeal filed by the U.P. Transport Corporation (in short 'Corporation') has now been pending since 2008 and 11 years have elapsed during which there were subsequent developments which have been brought on record.

There are two latest affidavits filed - one by the respondents and the other by the appellant.

The affidavit affirmed on 12.07.19 by the respondents seeks to suggest that there are certain proceedings going on for allowing 32 operators along with the Corporation (which is the benefit, the respondents seek to avail of) before the Assurance Committee where some recommendations have been made for passing of an order on parity basis after holding meeting with the Commissioner, Transport and M.D. of the Corporation- appellant. Annexure A-5 shows that there was a debate and in pursuance of the debate before the Assurance Committee the matter has to be considered as aforesaid.

An affidavit has been filed by the appellant affirmed on 22<sup>nd</sup> July, 2019. In terms of this affidavit, the subsequent development is that there is an agreement dated 28.02.2018 arrived at in respect of the inter-State transport to which State of Haryana and State of U.P. are parties. In terms of this agreement no permit can be

renewed or granted on the inter-state route of Meerut-Ambala in favour of any private operator and this route is to be operated exclusively by the Corporation - appellant.

In view of the aforesaid it is a submission of the learned counsel for the appellant that nothing really survives in this matter as the subsequent developments do not entitle the respondents to the benefit of this route in any manner whatsoever.

We have heard learned counsel for the parties.

In view of the categorical subsequent agreement dated 28.02.2018 there appears to be no scope for grant of any permit of this inter-state route of Meerut-Ambala. We are, however, conscious of the proceedings brought to our notice by learned counsel for the respondents in respect of the Assurance Committee. These are however only discussions. If these discussions mature into any decision of which the respondents can get any benefit, certainly this order cannot come in the way.

We thus dispose of the appeal in the aforesaid terms and naturally the impugned order would not operate to the extent that the basis of this decision stands superseded by the subsequent inter-state agreement dated 28.02.2018.

At this stage, learned counsel for the respondents on instructions from clients submits that apparently some inter-state agreement is yet to be arrived at in respect of

the rights of the private operators. If such an agreement would arrive at, the private operators can take the benefit of the same.

.....J.  
(SANJAY KISHAN KAUL)

.....J.  
(K.M. JOSEPH)

NEW DELHI  
JULY 23, 2019

ITEM NO.1

COURT NO.14

SECTION III-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

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Date : 23-07-2019 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Ms. Garima Prashad, AOR  
Mr. Shadab Khan, Adv.  
Mr. Mohit Kumar Bansal, Adv.

For Respondent(s) Mrs. Rani Chhabra, AOR  
Mrs. Neelam K. Adv.  
  
Mr. Suraj Singh, Adv.  
Mr. Pradeep Misra, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The Civil Appeal is disposed of in terms of the signed order.  
Pending applications, if any, shall also stand disposed of.

(POOJA CHOPRA)  
COURT MASTER

(ANITA RANI AHUJA)  
COURT MASTER

(Signed order is placed on the file)