

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 950 OF 2009
(Arising out of SLP (C) No.2359 of 2006)

U.P. State Road Transport Corporation

... Appellant

Versus

Assistant Comnr. of Police (Traffic) Delhi
Respondent

...

With
Civil Appeal No. 951 OF 2009
(Arising out of SLP (C) No.2408 of 2006)

J U D G M E N T

S.B. Sinha, J.

1. Leave granted in both the SLPs. Both the appeals are being disposed of through this common judgment.

2. Interpretation of a judgment of this Court, vis-à-vis the action taken by the first respondent pursuant to or in furtherance thereof is in question in these appeals. In the appeal arising out of SLP (C) No.2359 of 2006, the challenge is against a judgment and order dated 9.9.2005 passed by a Division Bench of the High Court of Delhi at New Delhi in LPA No.1958 of 2005 whereby and whereunder a judgment and order dated 10.8.2004 passed by a learned Single Judge of the said Court in Civil Writ Petition No.8339 of 2002 was upheld. The appeal arising out of SLP (C) No.2408 of 2006 is against the order and judgment dated 9.9.2005 passed by the Division Bench of the High Court of Delhi in LPA No.1956 of 2005 confirming an order dated 17.8.2004 passed by a learned Single Judge in WP (C) No.13688 of 2004.

3. Since the facts in both the appeals are identical and since the same legal questions arise in both the appeals, reference is being made to the facts in the appeal arising out of SLP (C) No.2359 of 2006. Appellant is a Corporation constituted and registered under the Road Transport Corporation Act, 1951, indisputably, for the purpose of plying of buses on various routes falling within the State of Uttar Pradesh and National Capital Territory of Delhi. Several agreements as envisaged under sub-section (5)

of Section 88 of the Motor Vehicles Act, 1988 (hereinafter called and referred to for the sake of brevity as ‘the Act’) were executed.

4. A Public Interest Litigation in regard to observance of the norms of safety on the roads came up for consideration before this Court in a writ petition filed by one Shri M.C. Mehta which was registered as Writ Petition (Civil) No.13029 of 1985. This Court in exercise of its power under Article 32 read with Article 142 of the Constitution of India issued the following directions by an order dated 20.11.1997 :

- “(a) No heavy and medium transport vehicles, and light goods vehicles being four wheelers would be permitted to operate on the roads of the NCR and NCTT, Delhi, unless they are fitted with suitable speed control devices to ensure that they do not exceed the speed limit of 40 KMPH. This will not apply to transport vehicles operating on Inter-State permits and national goods permits. Such exempted vehicles would, however, be confined to such routes and such timings during day and night as the police/transport authorities may publish. It is made clear that no vehicle would be permitted on roads other than the aforementioned exempted roads or during the times other than aforesaid time without a speed control device.
- (b) In our view the scheme of the Act necessarily implies an obligation to use the vehicle in a manner which does not imperil public safety. The authorities aforesaid

should, therefore, ensure that the transport vehicles are not permitted to overtake any other four-wheel motorized vehicle.

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(e) Any breach of the aforesaid directions by any person would, apart from entailing other legal consequences, be dealt with as contravention of the conditions of the permit which could entail suspension /cancellation of the permit and impounding of the vehicle.

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The Government is directed to notify under section 86(4) the officers of the rank of Assistant Commissioners of Police or above so that these officers are also utilized for constituting the flying squads.

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- B. We direct the Union of India to ensure that the contents of this Order are suitably publicized in the print as well as the electronic media not later than November 22, 1997 so that every body is made aware of the directions contained in the Order. Such publication would be sufficient public notice to all concerned for due compliance.
- C. We, direct that this Order will be carried out notwithstanding any other order or directions by any authority, Court or Tribunal, and that no authority shall interfere with the functioning of the police and transport department in so far as implementation and execution of these directions is concerned.”

5. In the first appeal, a bus of the appellant Corporation bearing Registration No.UP 14 Q 8755, driven by one Shri Shiv Lal was found overtaking another four wheel vehicle bearing Registration No. DL 1 LD 6452 and, thus, purported to have violated the conditions as enshrined in the directions of this Court. A proceeding under Sections 3/181, 66(i)/92A of the Act was initiated.

In the said proceeding, fine of Rs.300/- was imposed.

6. Respondent, as a purported consequence of the penalty imposed upon the driver of the said vehicle, initiated a proceeding under Section 86 of the Act, directing :

“NOW THEREFORE, I.K.S. Bedi, Assistant Commissioner of Police/Traffic/East district, Delhi in exercise of powers delegated to me u/s read with 86(4) of M.V.Act, 1988 by STA Delhi vide its Board Resolution No.1/98, dated 25.5.1998 hereby require General Manager s/o Shri Nil R/o UPSRTC, Lucknow, U.P. the permit holder to show cause as to why the said permit should not be suspended for a period of one month for the above mentioned violations. Your reply, if any, should reach the undersigned within a period of 7 days from the date of the show cause notice, failing which, it will be presumed that you have nothing to say and the case will be decided ex parte on merits.

You are also at liberty to appear before the undersigned within the stipulated period to make personal submissions, if any, in this regard.”

7. By reason of an order dated 20.12.2002, the permit was suspended, stating :

“AND WHEREAS, it is evident from the record brought up before the undersigned and submission that the permit holder has violated the permit conditions as enshrined in the directions of Hon’ble Supreme Court of India in case of M.C.Mehta vs. UOI. It is also evident that the permit holder has ignored the safety of the public on road and failed to exercise such supervision as was necessary on his employees as a result of which the vehicle violated the permit conditions, provisions of MV Act framed there under to the extent that the vehicle was being driven in such a way which has dangerous for the public safety.

NOW THEREFORE, keeping in view all the facts of the case, reply of the show cause notice submitted by the permit holder on one hand and on the other hand going through the STA Board Resolution, permit conditions mentioned in the brochure and directions of Hon’ble Supreme Court of India in case of M.C.Mehta vs. UOI, I, K.S.Bedi, Assistant Commissioner of Police, Traffic, East Distt. Delhi in exercise of powers under section 86 of M.V.Act, 1988 and delegated to me vide STA Board Resolution No.1/98 dated 25.5.1998 do hereby suspend the permit No. of UP-14R-7231 of the said vehicle for a period of [7] seven days from the date of depositing the vehicle at Burari Pit (STA),Delhi within 3 days

positively and receipt be submitted in this office alongwith the original permit of the vehicle which will be kept on the file till the expiry of suspension period.”

8. A writ petition was filed thereagainst by the appellant. A learned Single Judge of the Delhi High Court, by an order dated 10.8.2004, having regard to the directions issued by this Court on 20.11.1997, refused to interfere with the said order dated 20.12.2002, stating:

“Learned counsel for the respondent states that in fact the petitioner has not surrendered the bus in pursuance to the order for suspension of the licence. It is seen from the order-sheet that there is no interim relief granted in favour of the petitioner. If the Petitioner has failed to comply with the directions for suspension of the permit/licence, it is open to the respondent to take appropriate measures not only to enforce the said order but to take further action against the petitioner for not having complied with directions passed by the respondents.”

9. Without preferring a Letters Patent Appeal thereagainst, a Special Leave Petition was filed. The same was dismissed as withdrawn. Thereafter a Letters Patent Appeal was filed against the said order dated 10.8.2004. It is, however, stated that another special leave petition filed in identical matter was dismissed.

10. By reason of the impugned judgment, the said appeal has been dismissed by the High Court.

11. Mr. Ashok Srivastava, learned counsel appearing on behalf of the appellant urged that having regard to the provisions of Section 86 of the Motor Vehicles Act, the respondent, not being the appropriate State Transport Authority, could not have directed impounding of the bus and/or suspension of the permit.

It was urged that as the State of U.P. has entered into a mutual agreement with the National Capital Territory of Delhi in regard to the plying of buses in the National Capital region, the terms and conditions laid down therein being binding on both the parties in the event of any violation of any provisions of the Motor Vehicles Act, the rules framed thereunder or the conditions of permit, the rules applicable to the State of U.P. shall be attracted. Even otherwise, the learned counsel would contend in relation to a inter-State permit, the State which had merely countersigned could only withdraw the same but would have no jurisdiction to cancel or suspend the permit as such.

12. Mr. Qadri, learned counsel appearing on behalf of the respondent, on the other hand would contend :

- 1) The order dated 20.12.2000 having been passed in compliance of this Court's order, the impugned judgment of the High Court should not be interfered with.
- 2) This Court, having dismissed the special leave petition whereafter only a letters patent appeal was filed, the present appeal is not maintainable.

13. The National Capital Territory of Delhi, in exercise of its jurisdiction under Section 86(4) of the Act, having delegated its power to various police authorities, the respondent had the requisite jurisdiction to pass an order suspending the permit in terms thereof. Our attention in this behalf has been drawn to Rule 61-A as inserted by Notification dated 19.5.1998, which reads as under:

“DELEGATION OF POWERS FOR
SUSPENSION OF PERMIT : The State Transport
Authority may by general or special resolution
recorded in its proceedings and subject to the
restrictions, limitation and conditions that it may
impose, delegate to Group 'A' and Group 'B'
Gazetted Officers, its powers under section 86 of
the Motor Vehicles Act, 1988 to suspend a permit
or to recover from the holder thereof a sum of
money agreed upon in accordance with sub-
section (5) of section 86 of the Motor Vehicles
Act, 1988.

Provided that the State Transport Authority may delegate its powers as mentioned hereinabove by specifying the designation of the officer(s) and the name of the Government department/branch in which the said officer (s) may be serving if it is necessary to do so.”

14. Pursuant thereto or in furtherance thereof, the State Transport Authority had delegated its power in favour of the respondent in terms of a circular letter dated 23.9.1998 containing the resolution passed by the Authority. Respondent, even otherwise, having regard to the provisions of Section 207 of the Act had the requisite jurisdiction to detain the bus. Respondent having the requisite power to suspend the operation of permit granted by the U.P. State Transport Authority even if a wrong provision had been maintained, it need not be held that the impugned order is wholly without jurisdiction.

15. The Act was enacted to consolidate and amend the law relating to motor vehicles. Chapter V of the Act deals with control of transport vehicles. Section 66 of the Act provides for the necessity of permits stating that no owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle actually carrying any passengers or goods save in accordance with the conditions of a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority

authorizing him the use of the vehicle in that place in the manner in which the vehicle is used. The power to control Road Transport Corporation is vested in the State under Section 67 of the Act. Section 68 provides for constitution of Transport Authorities. Section 71 provides for the procedure of Regional Transport Authority in the matter of considering application for stage carriage permit. Section 72, inter alia, provides for any or more of the conditions as stated in sub-section (2) of Section 72 to be attached to the permit. Section 80 provides for the procedure of filing of application for and grant of permits. Section 84 provides for general conditions attaching to all permits. Section 86 deals with cancellation and suspension of permits, sub-section (1) whereof reads as under :

“Section 86 - Cancellation and suspension of permits.—(1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit-

- (a) on the breach of any condition specified in section 84 or of any condition contained in the permit, or
- (b) if the holder of the permit uses or causes or allows a vehicle to be used in any manner not authorised by the permit, or
- (c) if the holder of the permit ceases to own the vehicle covered by the permit, or
- (d) if the holder of the permit has obtained the permit by fraud or misrepresentation, or

- (e) if the holder of the goods carriage permit, fails without reasonable cause, to use the vehicle for the purposes for which the permit was granted, or
- (f) if the holder of the permit acquires the citizenship of any foreign country:

Provided that no permit shall be suspended or cancelled unless an opportunity has been given to the holder of the permit to furnish his explanation.”

Section 88 of the Act provides for validation of permits for use outside the region for which it is granted. Sub-Section (4) thereof reads as under :

“(4) The provisions of this Chapter relating to the grant, revocation and suspension of permits shall apply to the grant, revocation and suspension of countersignatures of permits:

Provided that it shall not be necessary to follow the procedure laid down in Section 80 for the grant of countersignatures of permits, where the permits granted in any one State are required to be countersigned by the State Transport Authority of another State or by the Regional Transport Authority concerned as a result of any agreement arrived at between the States after complying with the requirements of sub-section (5).”

Sub-sections (5), (6), (7) and (8) of Section 88 lay down the procedure or provide for entering into the agreements between the States to fix the number of permits.

Section 89 of the Act provides for an appeal from such an order wherefor the State Government is required to constitute Transport Appellate Tribunals in such numbers as it thinks fit.

Section 207 of the Act authorises any police officer to seize and detain any motor vehicle in the event he has reason to believe that it has been or was being used in contravention of the provisions of section 3 or section 4 or section 39 or without the permit required by sub-section (1) of section 66 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used in the prescribed manner and for the said purpose to take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle.

16. The directions issued by this Court in exercise of its jurisdiction under Article 32 read with Article 142 of the Constitution of India must be held to be in addition to the conditions contained in the permit and/or the provisions of the Act.

17. Regulation of motor vehicles is vested in the State and/or statutory authorities. Ordinarily, they should exercise their power within the four corners thereof.

Right to ply a vehicle in terms of the provisions of the Act or the Rules framed thereunder is a statutory right. Where a person, including a juristic person, is conferred a right to carry on business, regulation thereof should ordinarily be governed by the statute under which the permit has been granted. Although in view of several decisions of this Court and, in particular, Vishaka & Ors. V. State of Rajasthan & Ors. [(1997) 6 SCC 241], even if additional regulatory measures are laid down, the same, in our opinion, should be construed strictly.

18. Keeping in mind the aforementioned legal principles, we may now consider the effect of the directions issued by this Court.

19. Paragraph 'A' of the directions has been issued upon the Police and all other authorities entrusted with the administration and enforcement of the Act and generally with the control of the traffic. The direction upon the authorities to ensure that the transport vehicles are not permitted to overtake any four wheels motorized vehicle was issued as in the view of this Court, the scheme of the Act necessarily implied an obligation to use the vehicle in

a manner which does not imperil public safety. Clause (e) of the order must be construed in the light of the purpose and object for which the Act was enacted.

20. The direction that any breach will be considered to be in contravention of the conditions of the permit which could entail suspension/cancellation of the permit and impounding of the vehicle must be read in the light of the provisions of the Act and not de hors the same. This Court could not and, in fact, did not while issuing the said direction confer a statutory authority upon a person who did not have any such authority under the statute. An order passed by an authority without jurisdiction, it is trite, would be a nullity. It would, therefore, be preposterous to presume that this Court would confer jurisdiction upon an authority whose order would be a nullity and, thus, *non est* in the eye of law.

21. The aforementioned directions must be construed having regard to the reasons assigned in support thereof. This Court analysed each of the relevant chapters and the provision of the Act. It considered a proposal made by the Transport Commissioner whereby maximum punishment was proposed to be raised. It, in the aforementioned backdrop, took into consideration the realities and chaotic state of road traffic in National Capital Region and National Capital Territory of Delhi. Referring to

Section 207 of the Act which empowers any police officer or other person authorised in this behalf, to detain vehicles used without certificate of registration permit etc., it was opined:

“In our opinion, the existing provisions in the Act alone are sufficient to clothe the members of the police force and the transport authorities with ample powers to control and regulate the traffic in an appropriate manner so that no vehicle being used in a public place poses any danger to the public in any form. The requirement of maintaining the motor vehicles in the manner prescribed and its use if roadworthy in a manner which does not endanger the public, has to be ensured by the authorities and this is the aim of these provisions enacted in the Act. As earlier stated, we reach this conclusion even without reference to the general powers available to the police officers under the Police Act and the Code of Criminal Procedure.”

{See M.C. Mehta v. Union of India & Ors. [(1997) 8 SCC 770]}.

22. What was emphasized is that empowerment of the authority. Such empowerment must be within the broad framework of the Act. The judge made law in an area covered by the Parliamentary Act should not be applied in an expansive manner. Nothing should be deduced therefrom.

23. A decision is an authority, it is trite, for which it decides and not what can logically be deduced therefrom. This wholesome principle is equally

applicable in the matter of construction of a judgment. A judgment is not to be construed as a statute. It must be construed upon reading the same as a whole. For the said purpose, the attending circumstances may also be taken into consideration. {See Ramesh Chand Daga v. Rameshwari Bai [(2005) 4 SCC 772]}.

24. Unfortunately, the learned Single Judge as also the Division Bench of the High Court did not pose unto themselves the correct question(s). It misread the provisions of Section 86 to hold that respondent was clothed with the jurisdiction of suspension and/or cancellation of the permit and impounding of the vehicle in terms of the order of the Court. This Court had merely spelt out the consequences emanating from contravention of the directions. Such directions, if read with the provisions of the Act, would mean that the procedure for suspension/cancellation of the permit and impounding of the vehicle must be followed as contained in the Act. Jurisdiction for the said purpose must be exercised by the authority under the statute. No statutory authority, whether empowered by this Court or otherwise, can act de hors the statute.

25. The width and breadth of Article 142 of the Constitution although is wide, any direction issued thereunder by reason of an interpretation should not be expanded. The learned Single Judge of the Delhi High Court did

precisely this. The Division Bench unfortunately did not consider this aspect of the matter. It is true that in one case the Special Leave Petition was dismissed. But it was an unreasoned order. It did not create any precedent. Thus, when a Letters Patent Appeal was maintainable, the Division Bench could have and, in our opinion, should have determined the question in accordance with law. We, therefore, are of the opinion that violation of the directions of this Court would merely entail the consequences which would mean that the respondent could proceed to take action only in accordance with law including the provisions contained in Section 88 of the Act.

26. Indisputably, the Lieutenant Governor of National Capital Territory of Delhi inserted Rule 61-A in the Rules by reason whereof the State Transport Authority had been vested with the power to delegate its powers in favour of any other authority. A purported resolution was passed by the State Transport Authority which is to the following effect:

“Now that the necessary rule has been gazetted it is proposed that the power to suspend permits under section 86 may now be delegated in accordance with Rule 61-A of the Delhi Motor Vehicles Rules, 1993 to officers of the category that were empowered vide Resolution no.28/1997 dated 21-11-1997 subject to the condition that the delegation shall be liable to be reviewed from time to time and also subject to the limitation that the

power to charge compounding fees in lieu of suspension in case of fatal accidents by stage carriage buses shall be exerciseable by officers of the level of Deputy Director and above of the Transport Department only in accordance with the procedure laid down vide resolution no.3/1997 dated 2-4-1997.”

27. Vires of the said delegation not being under challenge, we would assume the same to be valid. The question, however, is as to whether even in terms of the said delegated power, the respondent could direct suspension of permit of a bus belonging to appellant and in respect whereof inter-State permit had been granted by the U.P. State Transport Authority.

28. Section 86 of the Act, on a plain reading, clearly confers power to suspend a permit only on the authority which had granted it. Even the conditions therefor have been laid down.

29. It is not in dispute that inter-State permits have been granted pursuant to the agreements entered into by and between the State of U.P. and National Capital Territory of Delhi. Mr. Srivastava has placed before us a sample copy of the Agreement. Paragraph 4 of the said Agreement refers to stage carriage (substantive permits). Paragraph 14 of the said Agreement provides for the general powers. We may refer to some of the clauses thereof:

- “(ii) Permits issued within the terms of reciprocal agreement shall be countersigned immediately on presentation before the Regional Transport Authority or the State Transport Authority subject to payment of countersignature fee and other taxes due to that State.
- (iv) Except as provided otherwise in the agreement, the vehicles of the one reciprocating State plying in the other State shall be governed by the rules, other than the provisions relating to payment of taxes and fees, and fare of the State which granted the permit.
- (v) Before any action is taken for breach of the provisions of the Motor Vehicle Act, 1988 and the Rules framed thereunder against the State Transport Undertakings of the reciprocating State a prior reference to the Head of the State Transport Undertaking concerned shall be made in order to decide if departmental action would not be adequate instead of prosecuting them in the Court of Law.”

30. In terms of the aforementioned Agreement also, thus, in case of any violation by any driver of any vehicle for which such carriage permit had been granted, it is the authorities of the State of U.P. who could take action. The rules framed by the State of U.P. alone would be applicable in relation thereto. Thus, Rule 64A of the Delhi Rules pursuant whereto or in furtherance whereof the delegation of power in favour of the respondents had been made, would not apply. Even otherwise, the countersigning State

would not be entitled to suspend or cancel the permit of a vehicle wherefor a stage carriage permit has been granted by the State of U.P.

31. The question came up for consideration before a Division Bench of the Madras High Court in Gajalakshmi Ammal Manonmaniammal Bus Service vs. The State Transport Appellate Tribunal, Madras & Anr. [AIR 1962 MADRAS 173] wherein interpreting the provisions of Section 63 of the Motor Vehicles Act, 1939 which is in pari materia with Section 86 of the Act, it was held:

“(3) There can be no doubt that overloading of passengers in a stage carriage is a breach of the conditions of the permit. Section 63 relates to the issue of permits over inter-district routes. Sub-section (1) of that section provides that a permit granted by the Regional Transport Authority of one region could be valid for another region, if the Regional Transport Authority of the latter region counter-signs the permit. It follows from the provisions of the section that the original or primary permit is granted under S.60 and that S.63 (1) only provides for its validation by a counter-signature. Section 63 (3) only means that the power of suspension would apply even in regard to breach of a condition with respect to inter district permits, i.e., it confers a power on the authority granting the primary permit to take cognizance of offences in the course of the route, even though such route is outside his jurisdiction and to cancel or suspend the permit, if there is a breach of any condition relating to the same. We are therefore of opinion that the Regional Transport Authority of North Arcot, who issued

the original permit, had jurisdiction to impose punishment in respect of the breach of the conditions of the permit, even if any such breach took place in the South Arcot Dt.”

32. A similar view was taken by a Division Bench of the Andhra Pradesh High Court in A. Annamalai vs. State Transport Authority Andhra Pradesh & ors. [AIR 1962 AP 148] wherein Jaganmohan Reddy, J. (as His Lordship then was) held :

“From a reading of this section it is seen that where the vehicle is to be used in two or more regions in the same State, that authority is given jurisdiction in which the majority of the route is to be operated, or if the route is equally divided between two regions in the same state, that authority has jurisdiction where the vehicle is kept. When it comes to the jurisdiction of the authority where the vehicle is plying between two States, the Legislature has vested jurisdiction in that authority where the applicant resides or has his principal place of business. There is a clear indication in this section to vest the jurisdiction in that authority which has control over the applicant by reason of his being domiciled within that state.

The counter signature by the countersigning authority under S.42 is dependent upon the grant of the primary permit. If the permit is cancelled by the primary authority, the vehicle cannot possibly be plied in the region of the countersigning authority; but if the countersignature is cancelled for any breach of the conditions imposed by the countersigning authority, the vehicle can be plied up that region.

In such circumstances, therefore, the anomaly to which the learned advocate for the petitioner has adverted does not in fact exist because, for the breach of any independent conditions imposed by the countersigning authority which conditions are not the conditions imposed by the primary authority, it is only the countersigning authority that can cancel the counter signature. But if the conditions of the permit issued by the primary authority are merely counter signed, then the jurisdiction to cancel the permit for any breach of the conditions in the region of the counter signing authority would vest in the primary authority also because such suspension or cancellation would be the only effective method of control over such stage carriage permit holder. The cancellation of the countersignature, as we have already indicated, would be ineffective.”

33. Submission of Mr. Qadri that action could have been taken by the respondent in exercise of its power under other provisions of the Act, in particular Section 207 thereof, cannot be accepted. The respondent has not exercised its jurisdiction under Section 207. Even the conditions precedents for exercise of the said jurisdiction did not exist in the case. If the respondent for the reasons stated hereinbefore was not entitled to pass an order suspending the permit, the entire proceeding was vitiated in law. It could not have even issued a notice therefor. It is, therefore, not a case where the respondent had even otherwise jurisdiction to suspend a permit

but merely a wrong provision was quoted in the notice and by reason whereof no prejudice was caused to appellant.

34. For the self same reasons, submission of Mr. Qadri that if the impugned order is set aside, the same shall give rise to another illegal order is also without any force. Respondent has exercised its jurisdiction on a wrong premise. It will be a repetition to state that it was not a case where jurisdiction under the provisions of Section 207 or any other provisions of the Motor Vehicles Act could be exercised. In a case of this nature where exercise of jurisdiction on the part of the statutory authority is found to be wholly illegal, we are not in a position to agree with the submission of Mr. Qadri that this Court may not exercise its discretionary jurisdiction under Article 136 of the Constitution of India. It is really a matter of some surprise to us that such a contention has been raised by a State against a State. By reason of the order impugned, permit of the vehicle was suspended for a period of seven days. However, the said period is over. While exercising jurisdiction under Section 207 of the Act, the respondent could not have directed production of the bus for the period during which the permit was directed to be suspended. Power of detention of a vehicle, as noticed hereinbefore, could be exercised only for a limited purpose. Such a

power could not include a power directing the owner of a bus to produce the offending vehicle for the purposes mentioned in the notice.

35. For the reasons aforementioned, the impugned judgment cannot be sustained. They are set aside accordingly. The appeals are allowed and consequently the orders impugned in the writ petitions will stand quashed. There shall, however, be no order as to costs.

.....J.
[S.B. Sinha]

.....J.
[Cyriac Joseph]

New Delhi;
February 12, 2009