

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6915 OF 2009
(Arising out of S.L.P. (C) No.6084 of 2005)

K. Pydichatti Naidu (Dead) Thr. L.Rs. ...Appellant(s)

Versus

A.P.S.R.T.C. & Anr. ...Respondent(s)

O R D E R

Leave granted.

By consent, the matter taken up for hearing and disposed of.

By judgement reported in the case of Andhra Pradesh State Road Transport Corporation vs. Regional Transport Authority & Anr. (2005 (4) S.C.C.391), the Constitution Bench of this Court took the view that all private operators, including those operating on town service routes, shall stand excluded from the Scheme, subject to certain exceptions. The Constitution Bench thereafter remitted the case to the Division Bench of the High Court to consider whether the case of the operator came within the exception.

By order dated 26th July, 2005, the Division Bench in case of Regional Manager, A.P.S.R.T.C. vs. G. Hanumantha Rao & Ors. (Civil Appeal No.1674 of 1996) came to the conclusion that only existing operators on the

...2/-

notified routes were eligible for permits. However, a caveat was added, namely, that in case of fresh or future applicants falling in certain excluded categories, the operators would be eligible for permits. Applying the above test, the Division Bench remitted the case to the High Court.

Following the same principle in this case also, we remit the case to the High Court to ascertain whether the case of the appellant falls within the exceptions carved out in the judgement of this Court in Regional Transport Authority & Anr. (supra).

The civil appeal stands disposed of accordingly.
No order as to costs.

.....J.
[S.H. KAPADIA]

.....J.
[AFTAB ALAM]

New Delhi,
October 09, 2009.

JUDGMENT