

# The Haryana Cooperative Transport ... vs The State Of Haryana on 21 January, 2020

**Bench: A.M. Khanwilkar, Hemant Gupta, Dinesh Maheshwari**

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.556 OF 2020  
(Arising out of SLP (Civil) No. 22800/2017)

THE HARYANA COOPERATIVE TRANSPORT  
SOCIETY LTD. & ORS.

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO.557 OF 2020  
(Arising out of SLP(C) No. 16503/2017)

CIVIL APPEAL NO.558 OF 2020  
(Arising out of SLP(C) No. 26446/2019)

O R D E R

Applications for impleadment/intervention are allowed.

Leave granted.

These matters were heard on 13.10.2017 when this Court passed the following order:

“Having heard learned counsel for the parties, the order of status quo is modified to the following extent:

a) the respondent-State is at liberty to call for objections and offer hearing to the objectors in respect of the Draft Scheme of 2017 but shall not finalise the same.

b) The transporters who are continuing on the basis of 2016 Scheme shall be allowed to operate and if any permit has expired, the same shall be renewed in accordance with law.

If any transporter is eligible to obtain the permit in pursuance of the directions given by the High Court, his case shall be considered and shall not be refused on the ground that a new policy/scheme is coming.” In response to the above order, the State Government has examined the matter at the highest level and it is stated across the Bar by the counsel for the State that the State Government has decided to withdraw the Draft Scheme of 2017 and all the dispensations afforded under that Scheme. In other words, the Draft Scheme of 2017, which was the subject matter of challenge in the present proceedings stands completely nullified. We accept this statement.

The State Government has sought permission to take lawful, permissible action under Section 102 of the Motor Vehicles Act, 1988 to cancel or modify the State Carriage Scheme 2016 by following the prescribed procedure under the law in order to remove all the defects therein.

We find no reason to refuse this permission. The State Government may proceed in the matter in accordance with law after giving due opportunity to all concerned.

In view of the statement made on behalf of the State Government, referred to above, which we have accepted, nothing remains for consideration in these appeals. However, we make it clear that all future actions be proceeded in accordance with law.

The appellant(s)/applicant(s) or any other eligible person will be free to make application(s) to the concerned authority, if already not made, for registration and for grant of permit within one week from today, and if so made, the competent authority may consider the same as per law expeditiously and in any case before 20th March, 2020.

If the appellants(s)/applicant(s) are aggrieved by any decision taken by the competent authority, it will be open to them to pursue such other remedies as may be permissible in law including under Section 100(2) of the Motor Vehicles Act, 1988.

In view of the above, nothing survives for consideration in these appeals. Accordingly, the appeals and pending applications, if any, are disposed of.

....., J.

(A.M. KHANWILKAR) ....., J.

(HEMANT GUPTA) ....., J.

(DINESH MAHESHWARI) NEW DELHI;

JANUARY 21,2020.

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

Petition(s) for Special Leave to Appeal (C) No(s). 22800/2017

(Arising out of impugned final judgment and order dated 16-05-2017 in CWP No. 5867/2017 passed by the High Court Of Punjab & Haryana At Chandigarh) THE HARYANA COOPERATIVE TRANSPORT SOCIETY LTD. & ORS. Petitioner(s) VERSUS THE STATE OF HARYANA & ORS. Respondent(s) IA No. 76278/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 135279/2017 - INTERVENTION/IMPLEADMENT IA No. 103553/2017 - INTERVENTION/IMPLEADMENT IA No. 76852/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES) WITH SLP(C) No. 16503/2017 (IV-B) IA No. 47884/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT) SLP(C) No. 26446/2019 (IV-B) (FOR ADMISSION and I.R. and IA No.169441/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 3019/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No. 3016/2020 - INTERVENTION/IMPLEADMENT) Date : 21-01-2020 These matters were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR HON'BLE MR. JUSTICE HEMANT GUPTA HON'BLE MR. JUSTICE DINESH MAHESHWARI For Petitioner(s) Mr. Parmjeet Singh Patwalia, Sr. Adv.

Ms. Jyoti Mendiratta, AOR Mr. Amit Jhanji, Adv.

Mr. Ravinder Raval, Adv. Mr. Ravinder Pal Singh, Adv. Mr. Rijuk Sarkar, Adv.

Dr. J. P. Dhanda, AOR Ms. Raj Rani Dhanda, Adv. Mr. Vineet Dhanda, Adv.

Mr. N.A. Usmani, Adv.

Mr. Surendra Singh, Adv.

Mr. Ronak Karanpuria,	Adv.
Mr. Vipul Maheshwari,	Adv.
Mr. Adesh Kumar Gill,	Adv.
M/S. V. Maheshwari &	Co., AOR

For Respondent(s) Mrs. Rani Chhabra, AOR

Mr. Devinder Saini, Adv.  
Dr. Monika Gusain, AOR

Ms. Manpreet Kaur Bhalla, Adv. Mr. Vishwa Pal Singh, AOR UPON hearing the counsel the Court made the following O R D E R Applications for impleadment/intervention are allowed.

Leave granted.

The appeals and pending applications, if any, are disposed of in terms of the signed order.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file.)