

Andhra Pradesh State Transport Appellate Tribunal Rules, 1989

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-STATE-TRANSPORT-APPELLATE-TRIBUNAL-RULES OF 1989

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Andhra Pradesh State Transport Appellate Tribunal Rules, 1989 Published vide G.O.Ms.No.126, Transport, Roads & Buildings (Transport-IA, 11th May, 1990, Published in A.P. Gazette, Part-1 (Extraordinary) (R.S.), dated 18-5-1990. In supersession of the A.P. State Transport Appellate Tribunal Rules, 1971 issued in G.O.Ms.No. 1190, Home (Transport-I) Department, dated the 26th August, 1971 and published at pages 1-17 of the Rules Supplement to Part-I extraordinary of the Andhra Pradesh Gazette, dated the 26.8.1971 and in exercise of the powers conferred under sub-section (2) of Section 96 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Governor of Andhra Pradesh hereby makes the following rules, the same having been previously published as required by sub-section (1) of Section 212 of the Motor Vehicles Act, 1988.

Chapter I

1. Short title:

- The rules may be called the Andhra Pradesh State Transport Appellate Tribunal Rules, 1989.

2. Definitions:

- In these rules, unless the context otherwise requires:-(i)'Act' means the Motor Vehicles Act, 1988 (Central Act 59 of 1988) ;(ii)'Appeal' means the memorandum of appeal to the Appellate Tribunal filed under Section 89 of the Act ;(iii)'Court' means the place where the Tribunal holds its sitting;(iv)'Form' means form appended to these rules ;(v)'Party' means the appellant or the applicant and includes his pleader ;(vi)'Pleader' means pleader as defined in sub-section (1-5) of

Section 2 of the Code of Civil Procedure, 1908 ;(vii)'Presiding Officer' means the Presiding Officer of the State Transport Appellate Tribunal ;(viii)'Rules' means the Andhra Pradesh Motor Vehicles Rules, 1989.(ix)'Revision Application' means an application to the State Transport Appellate Tribunal filed under Section 90 of the Act ;(x)'Secretary' means the person who is, for the time being discharging the functions of the Secretary to the Tribunal;(xi)'State Representative' means an Officer appointed by the State Government to receive on behalf of the Regional Transport Authorities and State Transport Authority notices issued by the Tribunal and generally to appear, act and plead on their behalf in all proceedings before the Tribunal and includes an Officer appointed to act on his behalf in his absence ;(xii)' Tribunal' means the State Transport Appellate Tribunal, Andhra Pradesh ;(xiii)Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Andhra Pradesh Motor Vehicles Rules, 1989.

Chapter-II
Head Quarters

3. Headquarters:

(1)The Headquarters of the Tribunal shall be at Hyderabad.(2)Place of hearings-All appeals and revision applications shall ordinarily be heard at Hyderabad :Provided that the Presiding Officer may decide that any appeal or application may be heard at any other place in the State of Andhra Pradesh.

4. Office Hours:

- The Appellate Tribunal shall hold its sittings during the same hours as the other offices of the State Government except during the summer months from 15th March to 7th June (both days inclusive) when the working hours shall be as follows:

8. A.M. to 1.30 P.M. unless the Tribunal notifies in the Gazette with previous sanction of the Government sufficiently in advance that the sittings in summer months shall be held at different office hours.

5. Language:

- The language of the Tribunal shall be English.

Chapter III

Appeals and Revision Applications

6.

(a)(i)An appeal or application shall be presented to the Secretary either by the party or person or by his pleader.(ii)When an appeal or an application is presented by a Pleader, it shall be presented with a Vakalat duly accepted.(iii)Every Vakalat shall be stamped with a Court fee Stamp of Rs.

3/-(b)Every such appeal or application shall be made in accordance with the provisions of the Act and the rules and shall be accompanied by bank draft drawn on any scheduled bank for Rs. 200/- in respect of taxis and auto rickshaws and Rs. 300/- in all other cases towards the fee for an appeal or application and a process fee at the rates prescribed by the Post & Telegraphs Department to the nearest rupee for service of notices by Registered Post with Acknowledgement Due for each of the respondents to the appeal or the revision application referred under Section 89 or 90 as the case may be.(c)In every appeal or revision application, in addition to the successful parties before the appropriate authority, the Regional' Transport Authority or the State Transport Authority or the Secretary of either Authority, as the case may be, shall also be made respondent.

7.

An appeal under Section 89 or revision application under Section 90 shall be in the form of a memorandum setting forth concisely the grounds of objections to the decision or order which is the subject matter of the appeal or revision application and shall be accompanied by the original or a certified copy of the decision or order. Every appeal or revision application shall also be accompanied by as many copies of the memorandum as there are respondents in addition to the original.Registration of Appeals and Revisions Applications

8.

(a)On receipt of an appeal or revision application, the Secretary shall endorse on it the date of its receipt and shall enter the same in Form No. 1 appended to these rules. The Secretary shall thereafter examine:-(i)Whether the person presenting it has an authority to do so ;(ii)Whether it conforms to the provisions of the Act and the rules; and(iii)If the Secretary finds that the appeal or application does not conform to the requirement of the Act or rules, he shall cause it to be returned by making an endorsement on the same and calling upon the appellant or the revision applicant to remedy the defect or defects within seven days and cause it to be entered in the remarks column of the Register in Form No. 1 and paste it on the notice board of the Tribunal.(b)If the defect or defects are not remedied within the period allowed, the Secretary shall make a report to that effect to the Presiding Officer who may reject the appeal or the revision application, as the case may be and fix a date for hearing the matter giving due notice of such hearing to the party in Form-IV and the State representative, if any.(c)On the date so fixed, the presiding Officer may after hearing the party and the State representative, pass order directing the registration of revision or its rejection. Where the appeal or revision is rejected, the Tribunal shall record its reasons for doing so.(d)If the Secretary is satisfied that the appeal or revision application is presented properly, he shall cause the particulars of the same to be entered in the Register in Forms H and III respectively. Such entries shall be numbered in every year according to the order in which they are registered:Provided that where more than one appeal or revision application are filed against the same order, they shall be clubbed together and disposed of by one common order.

9.

An appeal under Section 89 shall be presented within thirty-days from the date of receipt of the order appealed against :Provided that if any doubt arises as to the date of the receipt of the order by the party aggrieved, the decision of the Tribunal thereon shall be final :Provided further that where an appeal is presented within thirty days of the date of receipt by the party aggrieved of the order appealed against, but is returned and if such appeal is again presented with all the defects remedied within the time allowed, it shall be deemed to have been presented within the time allowed under this rule.

10.

In the case of revision application under Section 90 where an application is presented within the time fixed under Section 90 but is returned and if such application is again presented with all the defects remedied within the date specified, it shall be deemed to have been presented in time.

11.

(a)Where a party seeks stay or suspension of the impugned order, he shall file a separate application for the same duly affixing a Court fee stamp of Rs. 2/-. (b)Every such application shall be supported by an affidavit. (c)Along with every such application, the party shall also furnish as many copies of the affidavit and application as there are respondents.

12.

In any appeal or revision, if the Tribunal is satisfied on an affidavit that it is just that the operation of the impugned order be stayed or suspended, - (a) the Tribunal may, by order, stay or suspend the operation of the impugned order temporarily without notice to the respondent or respondents ; and (b) the Tribunal may order notice to the respondent or respondents and after giving an opportunity of being heard to both the parties, either confirm or vacate the order suspending or staying the operation of the impugned order.

13. Procedure after Registration of Appeal or Revision:

(1) If an appeal or revision application has been registered, the Tribunal shall fix a date for hearing and notice of the date fixed for hearing shall be issued to the parties concerned by Registered Post/ Acknowledgement due in the Form V annexed to these rules. A copy of the memorandum of appeal or revision shall also be furnished to the respondent or respondents. (2) A copy of the affidavit and the application for suspension shall also be furnished to the respondent or respondents along with the notice of hearing.

Chapter IV

Hearing, Adjournment and Judgment

14. Procedure of Hearing, Adjourning:

- On the date fixed for hearing or any other date to which the hearing may be adjourned the appellant or the applicant shall ordinarily be heard first in support of his appeal or application, the respondent or his pleader shall, if necessary, be heard next and in such cases the appellant or applicant shall be entitled to reply.

15. Additional Evidence:

(1)The parties to the appeal or application shall not be entitled to produce additional evidence, whether oral or documentary before the Tribunal ; but(a)if the authority from whose order the appeal or application is preferred has refused to admit evidence which ought to have been admitted, or(b)if the party seeking to adduce additional evidence satisfies the Tribunal that such evidence, notwithstanding the exercise of due diligence, was not within his knowledge or could not be produced by him at or before the time when the order under appeal was posted ; or(c)if the Tribunal requires any documents to be produced or any witnesses to be examined to enable it to pass just orders ; or(d)for any other sufficient reason, the Tribunal may allow such evidence or documents to be produced or witnesses examined :Provided that where such evidence is received the other party shall be entitled to produce rebutting evidence, if any.(ii)If the Tribunal is of opinion that any witness should be examined in connection with any case before it, it may instead of examining him before itself, issue a commission to the concerned Regional Transport Authorities or the State Transport Authority as the case may be, or to an Advocate or such other suitable person as it may deem fit, in the circumstances of the case.

16.

(a)Where a party wants a witness to be examined by the Tribunal in appeal or cause production of documents as additional evidence, he may apply to the Secretary for summonses to persons whose attendance is required either to give evidence or to produce documents and the Secretary shall issue summonses in Form VI to the party or his pleader for service on the persons concerned.(b)Where the person to be summoned is a public servant, the party shall along with the application for summons, before summons is granted, pay before the Secretary a sum of money as appears to the Tribunal to be sufficient to defray travelling and other expenses of the person summoned for coming to the Tribunal and going back and for one day's attendance.(c)Where the person to be summoned is not a public servant, it shall be the duty of the party who takes out the summons, to produce the witness or cause production of the documents and where he fails to produce them, it shall be deemed that he has given up the claim for additional evidence.

17. Adjournment:

(a)The Tribunal may on such terms as it thinks fit and at any stage adjourn the hearing of any appeal or application.(b)An application for adjournment shall be presented with an affidavit of the party or a person acquainted with the facts of the case.(c)Each application for an adjournment shall be stamped with a Court fee of Rs. 2/- and notice of the application shall also be given to the respondents.

18. Procedure in case of death of an appellant or an applicant:

(a)If any appellant or revision applicant dies while the appeal or revision application is pending and it cannot be proceeded with unless his legal representative is brought on record, the Tribunal shall adjourn further proceedings to enable the legal representative to appear and apply for being made a party. If the legal representative fails to do so within ninety days from the date of death the appellant or revision applicant, the appeal or revision application shall abate as regards such deceased appellant or revision applicant, as the case may be.(b)No abatement by reason of death after hearing:- Notwithstanding anything contained in sub-rule (a) of this rule there shall be no abatement of an appeal or revision application by reason of the death of any party between the conclusion of the hearing and passing of the order but the order may, in such a case, be passed notwithstanding the death and shall have the same force and effect as if it had been passed before the death took place.

19. Determination of legal representative:

(a)If a question arises in any appeal or revision whether a person is the legal representative of a deceased appellant or revision applicant, such question may be determined by the Tribunal in a summary way, if necessary, after taking evidence.(b)Setting aside abatement: - Whenever an order of abatement has been passed in a case where the appellant or revision applicant has died, his legal representative, in a case where the respondent has died, the appellant may within sixty days from the date of such order apply to the Tribunal for setting aside the abatement and the Tribunal may on sufficient cause being shown to its satisfaction set aside the abatement and proceed with the appeal or revision application.(c)Condonation of delay: - Where an application under Clause (b) has been filed after more than sixty days from the date of the Order, the Tribunal may condone the delay on a separate application filed for the purpose when the delay is properly explained.

20. Order:

(1)Every order of the Tribunal shall be in writing and shall be pronounced in Court immediately after hearing or on the date fixed for the purpose.(2)If no date is fixed for pronouncing the order, the order shall be pronounced in open Court after giving notice to the parties concerned.(3)The Tribunal shall serve a copy of the order to the authority against whose order the appeal or revision application was preferred.

21. Return of documents:

(a)The parties shall not be entitled to the return of the documents filed by them before the Tribunal within six months from the date of the order of the Tribunal.(b)The parties may apply after six months from the date of the order with an undertaking to the effect that the documents shall be produced whenever the Tribunal calls for the same and in such a case, the documents may be returned to the parties.

Chapter V Miscellaneous

22. Copies of documents and orders on payment of fee:

- (i) Any party to any proceedings before the Tribunal may apply to the Secretary for the inspection of any documents, or for a certified copy of any document and the orders of the Tribunal and orders of the lower authority,(ii)Application for copies or for inspection of documents shall be in Form VII or VIII as the case may be, and shall set out the name and address of the applicant in full, the date and description of the document or order of which a copy is required or sought to be inspected and the purpose for which it is required. Any application which is not in the proper form shall be returned for representation in proper form.(iii)A Court fee stamp of the value of 25 paise shall be affixed to every such application for inspection or for copies.(iv)(a)Certified copies of documents or orders shall be prepared on a foolscap paper with one in charge in on either side and typed in double space.(b)Certified copies of documents or orders shall be delivered by the Secretary to the party concerned on payment of fee specified in Clause (c) towards the cost of preparing the copies.(c)A fee of Re. 1/- shall be collected for every page of a certified copy.(v)If the Secretary feels any doubt about the propriety of granting the copy of any document he shall place the application before the Presiding Officer and act in accordance with his orders.(vi)Notwithstanding anything contained in this rule, copies of orders shall be supplied to the Transport Authorities impleaded as respondents and the Secretary, State Transport Authority free of cost.

23. Service of Notice:

(a)The notices required to be issued under the Act or these Rules, shall be sent to the parties by Registered Post/ Acknowledgement due, as per the addresses furnished in the appeal or revision application. An acknowledgement containing the signatures of the addressee or any member of his family or his authorised agent when delivered or an endorsement by the postal authorities to the effect that the notice was refused by the addressee shall, unless the contrary is proved, be deemed to be sufficient to hold that the notice was duly served.(b)Where the Tribunal is satisfied that the addressee is evading service or that it is not possible to serve the notice in the ordinary way, it may direct that the notice may be sent to the last known address by registered post and a copy of the notice shall be affixed on its notice board and shall be deemed to be sufficient to hold that the notice was duly received.

24. Maintenance of Registers:

(a) All miscellaneous petitions shall be entered in the Register in Form No. IX and numbered serially. (b) All applications for copies of documents or orders on registration shall be entered in the Register in Form No. X and numbered serially. (c) All applications for inspection of documents on registration shall be entered in the Register in Form XI and numbered serially.

25. Refund of Fees:

(1) Subject to the provisions of sub-rule (2), the Presiding Officer or the Secretary, acting under instructions of the Presiding Officer, may, on an application made by the party, order the refund of--(i) the full fee paid, where the fee was paid by mistake or in a manner not prescribed in sub-rule (b) of Rule 6 ;(ii) the excess amount where the amount paid is in excess of the prescribed fee; and (iii) the full fee paid, where the payment of fee is not followed by an appeal or revision application for which the fee was paid. (2) No refund of fee shall be made if the application for such refund is not made within one year from the date of remittance of fee. (3) The application for refund of fee shall be made in the form of a memorandum setting forth the grounds on which refund is sought and such application shall be stamped with a Court-Fee stamp of Rs. 2/-. Form No. I [See Rule 8 (a)]

Serial No. in the register		Nature of the document and reference to connectedcase	Court Fees in Stamps/or Challan	Remarks		
Date	Court Fees	Challan No. date and S.B.	Date of return	Date of representation	Date of Registration	
			Rs. Ps.			
(1)	(2)	(3)	(4)	(5)	(6)	(7) (8)
Form No. IIAppeals[See Rule 8 (d)]						

No. of Appeal	From what Court with number of the case in that Court	Name and rank of applicant in the Lower Court	Order appealed against and law under which it was passed	Presentation and Registration	Date of Hearing	Order	Result	Actual number of days intervening between institution and disposal	Date of delivery of record from record room with record keeper's initials
1	2	3	4	5	6	7	8	9	10

Form No. III Revisions [See Rule 8 (d)]

Number of	From	Name and	Order	Presentation	Date of	Order	Result	Actual	Date of
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revision application	what Court with number of the case in that Court	rank of R.A. in the Lower Court if not instituted motu	impugned and law under which it was passed	and Registration	Hearing			number of days intervening between and disposal	delivery of record in record room with keeper's initials
1	2	3	4	5	6	7	8	9	10

Form No. IV[Form of notice to be given in case the Tribunal decides to hear the Party Under Sub-Rule (B) of Rule 8]The State Transport Appellate Tribunal, Andhra Pradesh, HyderabadAppeal No. of 19.....Revision No.Appellant/Revision Petitioner.vs.Respondent.ToThe above named appellant/petitioner.Please take notice that the appeal/revision filed by you against the order of the.....passed in proceedings dated has been placed before the S.T.A. for orders regarding its admission as it. is defective as already intimated to you. The State Transport Appellate Tribunal will hear the matter on If you want to be heard, you should be present at the time of the hearing in person or through your pleader or an authorised agent. If you fail to do so, the S.T.A.T., will pass orders in your absence.Given under my hand and the seal of the S.T.A.T.(By Order)SecretarySeal :Dated :Copy to the State Representative.Form No. VNotice[See Rule 13]The State Transport Appellate Tribunal, Andhra Pradesh, HyderabadAppeal /Revision Application No. of 19.... Appellant/ Revision Petitioner.vs.Respondents.(1).....(2).....(3).....(4).....To(The above named parties)Please take notice that the above appeal/ revision filed by the above named appellant/petitioner against the orders of passed in proceedings dated stands posted for hearing on at a.m. at the Office of the S.T.A.T. at Hyderabad.You may appear on the above date or any other date to which the hearing may be adjourned either in person or by pleader or by an authorised agent to represent your case, failing which the appeal or revision application will be disposed of on merits, ex parte.Given under my hand and the seal of the S.T.A.T.(By Order)SecretarySeal :Date :Copy to the State Representative with copies of appeal or revision memorandum copy of orders.Note: - Copy of the appeal or revision application shall be enclosed to the notices sent to each of the respondents.Form No. VI[See Rule 16 (a)]The State Transport Appellate Tribunal, Andhra Pradesh, HyderabadAppeal No.Application No.AppellantRespondentWhereas your attendance is required to give evidence on behalf of Appellant Petitioner/Respondent in the above appeal/petition, you are hereby required personally to appeal before this Tribunal at o'clock and/or to bring with/or cause the production of (description of document to be produced).A sum of Rs. being your travelling and other expenses and subsistence allowance for one day is deposited in this Tribunal and it shall be paid to you on the day of your appearance before this Tribunal. If you fail to comply with this order without lawful excuse, the Tribunal may impose on you such fine not exceeding Rs. 500/- as it thinks fit and may order your property or any part thereof, to be attached and sold for the purpose of satisfying all costs of such attachment together the amount of the said fine, if any.Notices: - (1) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have

complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.(2)If you are detained beyond the day aforesaid, a sum of Rs will be tendered to you for each day's attendance beyond the day specified.Form No. VII(Form of application for copy of the documents or order under Rule 22)The Secretary,State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad.(Twenty five paise Court Fee Stamp shall be affixed).

1. Name and address of the applicant in full :

2. Description of documents or order copy of which is required :

3. Reference No. of the file of the State Transport Appellate Tribunal in which the document or order is available :

4. Purpose for which copy is required.

Date :Signature of the applicantForm No. VIII(Form of application for inspection of documents under Rule 23)To,The Secretary,State Transport Appellate Tribunal.Andhra Pradesh, Hyderabad.(Twenty- five paise Court Fee Stamp shall be affixed).

1. Name and address of the applicant in full :

2. Description of the documents sought to be inspected :

3. Reference No. of the record in which it is available.

4. Purpose for which the inspection is required:

Date:Signature of the applicantRegister No. IXMiscellaneous Petitions[See Rule 24(a)]

Sl. No.	Number of the Miscellaneous petitions & No.of appeal or revision Application	Date of institution	Date of disposal	Result	Actual number of days Intervening betweeninstitution and disposal
(1)	(2)	(3)	(4)	(5)	(6)

Register No. XCopy Application Register[See Rule 24(b)]

Date of Registration	Copy application No.	Number of suit or case and designation of Court	Name of applicant	Description of paper	Copy when ready	Amount of fee deposited in cash	Date of delivery of copy	Signature of party	Signature of Secretary
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Register No. XI Application of Documents [See Rule 24(c)]

Date of representation	No. of application	No. of case and designation of Court whose record is sought to be inspected	Name of applicant	Description of paper	When ' document inspected	Amount fee deposited	Signature of party	Signature of Secretary
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)