



GOVERNMENT OF KERALA

Abstract

Transport Department- W(P(C) No 30804/2023 filed by Smt Hiba.H-
Judgment dated 20/09/2023- Complied with - Orders Issued

TRANSPORT (B) DEPARTMENT

G.O.(Rt)No.53/2024/TRANS Dated,Thiruvananthapuram, 05-02-
2024

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- Read 1 Notification G.S.R.653(E) dated 23/09/2021 issued by
Ministry of Road Transport and Highways
 - 2 Application dated 25/05/2023 and 27/07/2023 submitted by
Smt Hiba, Proprietor , SIMBA Industries and CO
 - 3 Judgment dated 20/09/2023 of the Hon'ble High Court in
W(P(C) No 30804/2023 filed by Smt Hiba.H.
 4. Government letter No B3/195/2023-Trans dated
23/01/2024.
 5. Letter no G1/81/2021/TC part 1 dated 03/02/2024 from the
Transport Commissioner.

ORDER

Smt Hiba.H, Proprietor, SIMBA Industries and CO submitted an application before the Government and Registering Authority for permission to set up Registered Vehicle Scrapping Facility under the provisions of the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 published as per notification read above. Smt Hiba.H filed WP(C) 30804/2023 and the Hon'ble High Court as per the judgment read above directed the 2nd and 3rd respondents, ie Secretary Transport Department and Transport Commissioner to consider and pass orders on the application read above,expeditiously in accordance with law, preferably within a period of one month from the date of production of copy of the judgment.

2. In obedience to the direction in the judgment read above,the petitioner was heard on 02/11/2023.As per the letter read as 4th paper above,Government directed the Transport Commissioner to depute a

competent officer to inspect the site proposed for RVSF by M/s. Simba Industries & Company, Walayar, Palakkad and to report whether the specifications and requirements issued by MoRTH are fulfilled by the proposed RVSF. The site proposed for RVSF was inspected by the officers of Motor Vehicles Department and the Transport Commissioner as per the letter read as 5th paper above reported that the proposed RVSF has the following defects/shortcomings.

1.	It was observed that the work carried out by the unit was done using manual labour.
2.	The machines provided by the firm are capable of scrapping local waste materials only, but they are not well-arranged and have small capacity suitable only for light materials.
3.	The floors of the working area are not well-maintained, and cracks are visible everywhere.
4.	The working site is not properly fenced and secured, and the path to the main entrance of the proposed site is narrow and full of shrubs and vegetation.
5.	The present building at the site is very old and evidence of remittance of building Tax for the current year is not produced for verification
6.	The scrapping yard does not comply with GSR.653(E)Rule 13(8)(a) since there is no suitable earmarked area for parking of waste vehicles on non permeable asphalt or concrete or epoxy coated flooring with adequate drainage facility.
7.	Certified de-polluting and de-risking equipments to ensure zero leakage of pollutants during draining of fuels or fluids, gases and liquids or for safe neutralization or removal of airbags etc are not provided.
8.	Appropriate Industrial grade lighting and ventilation systems, conformity to noise pollution norms and appropriate effluent treatment plants or water recycling plants are not provided.

3. Government have examined the matter in detail and hereby reject the request made by Smt Hiba.H, Proprietor, SIMBA Industries and CO for setting up Registered Vehicle Scrapping Facility as the proposed Registered Vehicle Scrapping Facility is not capable of fulfilling the functions of RVSF in accordance with the rules and regulations outlined in the notification of MoRTH .

4. The judgment of the Hon'ble High Court read above is thus complied with.

(By order of the Governor)
BIJU PRABHAKAR
SECRETARY

To:

Smt. Hiba, Simba Industries and CO, Door No. 771, Opp. Deer Park,
Chandrapuram, Walayar P.O, Palakkad, Kerala, India
Pin 678624

The Advocate General Kerala, Ernakulam (with covering letter)

Transport Commissioner, Thiruvananthapuram.

Principal Accountant General (A&E/Audit), Thiruvananthapuram

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Signed by

Susilkumary S
Section Officer

Date: 05-02-2024 16:12:33