

# The Indian Law Reports

Before Hon'ble Jawahar Lal Gupta, J.

STATE OF PUNJAB,—*Petitioner.*

*versus*

THE STATE TRANSPORT APPELLATE TRIBUNAL, PUNJAB  
AND ANOTHER,—*Respondents.*

C.W.P. 6772 of 1991

4th March, 1992

*Motors Vehicle Act, 1988—Grant of route permit—State of Punjab not one of the applicants—Locus standi of the State to challenge grant of permit.*

*Held*, that it is true that the concept of *locus standi* has undergone a sea change. However, a closer scrutiny of these cases shows that the petitions have been filed at the instance of the State Transport Commissioner. An order passed by him in the exercise of *quasi-judicial* power has been partially modified by the Appellate Tribunal. A perusal of Annexure P. 1 shows that the writ petition was not filed by the Commissioner directly because it was considered that "it will not be proper for the State Commissioner a *quasi-judicial* authority, to file the appeal." It is thus apparent that the petition has been filed at the instance of State Transport Commissioner or the Regional Transport Authority. He had no personal interest in the matter. He has no cause for grievance. A perusal of the writ petition does not disclose that the order of the Appellate Tribunal was not in public interest. It has not even been remotely suggested that the respondent to whom the permit has been allotted is not in a position to provide proper service to the travelling public. Consequently, neither on consideration of public interest nor on account of any illegal infringement of the petitioner's right, the present petition is maintainable.

(Para 5)

S. S. Kang, D.A.G., Punjab, for the *Petitioner.*

H. S. Sawhney, Advocate and Baldev Kapur, Advocate and  
P. S. Bawa, Advocate, for the *Respondents.*

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**JUDGMENT**

**Jawahar Lal Gupta, J. (Oral)**

(1) This order will dispose of Civil Writ Petition Nos. 6771, 6772, 10645 and 10646 of 1991. Learned counsel for the parties are agreed that the question of law and the facts involved in these four petitions are identical. The facts, as stated in C.W.P. No. 6772 of 1991, may be noticed.

(2) The State Transport Commissioner,—*vide* his order dated November 28-29, 1988, after considering the applications, accepted the applications for the grant of permit for three return trips. No order was passed with regard to the grant of a permit for one return trip. Aggrieved by this order, M/s Patiala Bus Highways Pvt. Ltd. filed an appeal before the State Appellate Tribunal. *Vide* orders dated November 26, 1990, the Appellate Tribunal accepted the appeal and directed that one permit with one return trip if lying vacant be allotted to the appellant, "as none of the other applicants has come forth in appeal against the order of the State Transport Commissioner....." Aggrieved by this order, the State of Punjab has filed this writ petition through the Secretary, Regional Transport Authority. Along with the writ petition no order authorising the Secretary to present the writ petition has been attached. However, in one of the four connected cases, *viz.* C.W.P. No. 10645 of 1991 a copy of the letter dated April 12, 1991, by which the State Transport Commissioner, Punjab had authorised the Secretary, Regional Transport Authority, Patiala to file the appeal has been attached. The order of the Appellate Tribunal has been challenged on the ground that he could not have usurped the power of the State Transport Commissioner and directed the grant of a permit to a specific party.

(3) On behalf of respondent No. 2, a preliminary objection challenging the *locus standi* of the Secretary, Regional Transport Authority has been raised. It has been further pointed out that the respondent was already providing efficient and complaint-free trips on the route in question and, therefore, the impugned order was just and fair. Even the other grounds raised in the petition have been controverted. A copy of the appeal submitted before the Appellate Tribunal showing that respondent No. 2 has been engaged

in providing stage carriage service to the travelling public on various routes for a long time has been attached.

(4) I have heard learned counsel for the parties. It is undoubtedly correct that the claims of all the applicants have to be considered by the authority before granting a stage carriage permit. It is also correct that considerations of public interest rather than individual's business should be the paramount consideration. However, the State Transport Commissioner while considering the applications had given no reason for not making any order with regard to one of the permits. In this situation, the Appellate Authority accepted the claim of one of the parties. The State of Punjab strictly speaking was not one of the applicants. It had not even challenged the order of the State Transport Commissioner to claim that it was entitled to the grant of a permit for the route for which no permit had been granted. In such a situation, it was not an aggrieved party which alone is normally permitted to file a writ petition in the High Court.

(5) Mr. Kang, appearing for the petitioner, submits that the concept of *locus standi* has undergone a sea change. He is undoubtedly right. However, a closer scrutiny of these cases shows that the petitions have been filed at the instance of the State Transport Commissioner. An order passed by him in the exercise of *quasi-judicial* power has been partially modified by the Appellate Tribunal. A perusal of the letter dated April 12, 1991, produced as Annexure P. 1 by the petitioner itself in C.W.P. No. 106445 of 1991, shows that the writ petition was not filed by the Commissioner directly because it was considered that "it will not be proper for the State Transport Commissioner—a *quasi judicial* authority, to file the appeal." It was on account of this reason that the petition was filed through the Secretary, Regional Transport Authority. This authority is none other than the State Transport Commissioner itself. It is thus apparent that the petition has been filed primarily at the instance of State Transport Commissioner or the Regional Transport Authority. He had no personal interest in the matter. He has no cause for grievance. Even a perusal of the writ petition does not disclose that the order of the Appellate Tribunal was not in public interest. It has not even been remotely suggested that the respondent to whom the permit has been allotted is not in a position to provide proper service to the travelling public. Consequently, neither on consideration of public interest nor on account of any illegal infringement of the petitioner's right, the present petition is maintainable.

(6) Accordingly, I find no merit in the these petitions. These are dismissed. In the circumstances of the case, there will be no order as to costs.

S.C.K.

Before Hon'ble R. S. Mongia, Jawahar Lal Gupta & N. K. Sodhi, JJ.

M/S THOMSON PRESS (INDIA) LTD., MATHURA ROAD,  
FARIDABAD AND ANOTHER,—Petitioners.

*versus*

THE STATE OF HARYANA AND ANOTHER,—Respondents.

Review Application No. 147 of 1993 in Civil Writ Petition No. 337 of  
1992

26th July, 1995

*Constitution of India, 1950—Arts. 226/227—Haryana General Sales Tax Act, 1975—Central Sales Tax Act, 1956—Does printing of lottery tickets amount to execution of a works contract—Is State competent to levy sales tax on transfer of property in goods involved in execution of works contracts where such order for printing has been placed by another State.*

*Held*, that one of the tests is—Can the product be sold to any person in the market or has it to be supplied to the particular customer. If it cannot be sold in the market and has to be supplied to a particular customer, the transaction can normally be described as execution of a works contract. In such a case, the supply of material is just incidental. Similar appears to be the position in the present case. The petitioner could not have sold the lottery tickets in the market to any person. These had to be supplied to the customer. These involved not only expertise but also confidentiality. The supply of paper and ink in the circumstances of this case was only incidental. As a result, the amount charged by the petitioner for the printing of lottery tickets from different customers could not be included in the taxable turnover.

(Para 14)

*Further held*, that the question is answered in the affirmative and it is held that the printing of lottery tickets amounts to execution of a works contract.

(Para 16)

*Further held*, that when the petitioner prints lottery tickets, in pursuance to a contract with the State of Haryana, the provisions of the Haryana General Sales Tax Act in so far as these provide for the levy of sales tax on the inputs involved in the execution of a works contract, shall be applicable. However, when the petitioner