

**F. No. RT-16017/2/2016-T**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**  
**(Transport Section)**

**ORDER**

New Delhi, 26<sup>th</sup> August, 2016

In supersession of this Ministry's order of even number dated 25<sup>th</sup> May, 2016 and as per direction of Hon'ble High Court of Delhi vide its order dated 11<sup>th</sup> August, 2016 (copy enclosed) the Committee is hereby re-constituted to examine all relevant issues related to existing permits given to black/yellow taxis, radio taxis, aggregators, etc.

2. The Committee shall comprise of following officers:

- |  |   |                  |
|--|---|------------------|
| i. Secretary (RT&H), MoRT&H  | - | Chairman         |
| ii. Joint Secretary (Transport), MoRT&H  | - | Member           |
| iii. Transport Commissioner, Govt. of NCT Delhi  | - | Member           |
| iv. Transport Commissioner, Govt. of Maharashtra   | - | Member           |
| v. Transport Commissioner, Govt. of Telangana  | - | Member           |
| vi. Transport Commissioner, Govt of Madhya Pradesh   | - | Member           |
| vii. Representative of Department of Ministry of Electronic & Information Technology, Union of India | - | Member           |
| viii. Representative of Central Pollution Control Board  | - | Member           |
| ix. Representative of Delhi Traffic Police<br>(nominated by Commissioner of Police, Delhi)           | - | Member           |
| x. Deputy Secretary (T), MoRT&H  | - | Member Secretary |
| xi. Any other co-opted member with the approval of Chairman.   |   |                  |

3. The terms of reference of the Committee shall be as under:

- i. To examine all the issues related to various permits under the Motor Vehicle Act, 1988.
- ii. To consult all the stakeholders i.e black/yellow taxis, aggregators, radio taxis, etc.
- iii. To formulate a credible and acceptable plan of action and frame draft scheme under the existing provisions of the MV Act, 1988.
- iv. Any other matter that the Ministry of Road Transport & Highways may choose to request the Committee to examine and consider.
- v. Committee shall finalise its report by 31<sup>st</sup> October, 2016.

Encl:- As above.



**(Irene Cherian)**

Deputy Secretary (Transport)

Email: irene.cherian@nic.in

Tele: 011 – 23710195

To:

1. Secretary (RT&H), MoRT&H.
2. Secretary, M/o Electronics & Information Technology
3. Joint Secretary (Transport), MoRT&H
4. Deputy Secretary (T), MoRT&H
5. Transport Commissioner, Govt. of NCT Delhi
6. Transport Commissioner, Govt. of Maharashtra
7. Transport Commissioner, Govt. of Telangana
8. Transport Commissioner, Govt of Madhya Pradesh
9. Commissioner of Police, Delhi
10. Chairman, Central Pollution Control Board
11. Sr. PPS to Secretary (RT&H)/ PPS to JS(T)
12. NIC for uploading the order on MoRT&H

\$~35 to 38

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CONT.CAS(C) 643/2015

ASSOCIATION OF RADIO TAXIS

..... Petitioner

Through Mr. Udyan Jain with Ms. Sonal Jain,  
Mr. Manas Gaur, Mr. Kuldeep Singh  
and Ms. Anju Thomas, Advocates.

versus

BHAVISH AGGARWAL & ORS

..... Respondents

Through Mr. Rajiv Nayyar and Mr. Dayan  
Krishnan, Sr. Advocates with  
Mr. Susmit Pushkar, Mr. Abhijeet  
Swaroop and Ms. Susanah Naushad,  
Advocates for R- 1 & 2.  
Mr. Vijay Sondhi with Mr. Abhishek  
Kisku, Mr. Gurpreet Singh Kahlan and  
Mr. Aranyak Pathak, Advocates for  
ANI Technologies Pvt. Ltd.  
Mr. Naushad Ahmed Khan, ASC with  
Ms. Neelam Kholiya and Ms. Astha  
Nigam, Advocates for GNCTD.  
Mr. Kirtiman Singh, CGSC with  
Mr. Brajesh, Mr. Waize Ali Noor and  
Mr. Pranav Agrawal, Advocates for  
UOI.  
Mr. Akhil Sachar with Mr. Raghu  
Vasishth, Advocates for R-10.

+ CONT.CAS(C) 136/2016

ANI TECHNOLOGIES PRIVATE LIMITED

..... Petitioner

Through Mr. Vijay Sondhi with Mr. Abhishek  
Kisku, Mr. Gurpreet Singh Kahlan and  
Mr. Aranyak Pathak, Advocates.

versus

GAGAN BHATIA & ANR

Through

..... Respondents

Mr.Kirtiman Singh, CGSC for UOI.  
Mr.Naushad Ahmed Khan, ASC with  
Ms.Neelam Kholiya and Ms.Astha  
Nigam, Advocates for GNCTD.

+ W.P.(C) 6000/2015 & C.M.Nos.10885/2015, 19928/2015,  
26581/2015, 30771-30772/2015 & 9559/2016

ASSOCIATION OF RADIO TAXIS

..... Petitioner

Through

Mr. Udyan Jain with Ms. Sonal Jain,  
Mr.Manas Gaur, Mr.Kuldeep Singh  
and Ms.Anju Thomas, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through

Mr.Manish Mohan, CGSC with  
Mr.Shivam Chanana and Ms.Manisha  
Saroja, Advocates for R-1 & 2/UOI.  
Mr.Naushad Ahmed Khan, ASC with  
Ms.Neelam Kholiya and Ms.Astha  
Nigam, Advocates for GNCTD.  
Mr.Vijay Sondhi with Mr.Abhishek  
Kisku, Mr.Gurpreet Singh Kahlan and  
Mr.Aranyak Pathak, Advocates for  
ANI Technologies Pvt. Ltd.  
Mr.Rajiv Nayar and Mr.Dayan  
Krishnan Sr.Advocates with  
Mr.Susmit Pushkar, Mr.Abhijeet  
Swaroop and Ms.Susanah Naushad,  
Advocates for R- 8 & 9.  
Mr.Akhil Sachar with Mr.Raghu  
Vasishth, Advocates for R-10.  
Mr.Arjun Mitra with Ms.Jaskaran  
Kaur, Advocates for R-13.

+ W.P.(C) 6668/2015 & C.M.No.13052/2015

ANI TECHNOLOGIES PVT. LTD.

..... Petitioner



Through Mr. Vijay Sondhi with Mr. Abhishek  
Kisku, Mr. Gurpreet Singh Kahlan and  
Mr. Aranyak Pathak, Advocates.  
versus

GOVERNMENT OF NCT OF DELHI & ORS ..... Respondents  
Through Mr. Rahul Mehra, Senior Standing  
Counsel with Mr. Tushar Sannu  
Dahiya, Advocate for GNCTD.  
Mr. Kirtiman Singh, CGSC for UOI  
with Mr. Brajesh Kumar, Govt.  
Pleader.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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11.08.2016

1. In pursuance to the order dated 25<sup>th</sup> July, 2016, respondent/ANI Technologies Pvt. Ltd. has filed an affidavit stating that it shall not charge a fare in excess of the cap stipulated on the fare per kilometer by the Government of NCT of Delhi vide notification dated 20<sup>th</sup> June, 2013. However, in the said affidavit, it has been stated that in the absence of such an undertaking by all the respondents, including competitors of ANI Technologies Pvt., an un-level playing field will be created.
2. Even Mr. Rahul Mehra, Senior Standing Counsel for GNCTD states that during the pendency of the proceedings, none of the parties should be allowed to charge more than what is stipulated by the State Government.
3. Mr. Udayan Jain, learned counsel for Radio Taxis also vehemently supports the contention advanced by Mr. Rahul Mehra.
4. Mr. Rajiv Nayar and Mr. Dayan Krishnan, learned senior

counsel state that without prejudice to their rights and contentions, they would also not charge in excess of the cap stipulated on the fare per kilometer by GNCTD vide notification dated 20<sup>th</sup> June, 2013.

5. However, as Mr.Nayar states that changes in the software programme would approximately take ten days, this Court directs that after 22<sup>nd</sup> August, 2016 none of the parties before this Court or any other taxis aggregator/operator shall charge more than the fare in excess of the cap stipulated on the fare per kilometer by GNCTD vide notification dated 20<sup>th</sup> June, 2013.

6. It is pertinent to mention that OLA and UBER contend that they are purely technology companies providing taxi services/cab rental in the transportation sector. They state that they are operating as intermediaries between the customers and concerned taxi operators who are already registered with the Transport Department. Consequently, according to them, they are Taxi Aggregators who are not required to register under the Radio Taxi Scheme of the local State Government.

7. This Court in its order dated 29<sup>th</sup> July, 2015 has already held that companies like OLA and UBER have the potential to reduce the pressure to own a vehicle and as a consequence reduce pollution as well as pressure on parking as it provides a shared and secured transport.

8. In fact, this Court is prima facie of the opinion that in the present case the scheme and the rules in question lag behind technology.

9. However, as it is the case of the Delhi Government that OLA and UBER must register under the Radio Taxi Scheme and as these

companies have an all India presence, this Court is of the view that a uniform policy must be devised for implementation.

10. Today this Court has been informed by learned standing counsel for GNCTD that a new City Taxi Scheme has been proposed which explicitly cover the aggregators.

11. Mr.Rajiv Nayar, learned senior counsel for UBER states that Motor Vehicles Act is being drastically modified and Section 93 of Motor Vehicles Act is proposed to be amended to include the aggregators.

12. Learned CGSC for UOI points out that by way of an office order dated 25<sup>th</sup> May, 2016, a Committee has been constituted to examine all relevant issues relating to existing permits given to black/yellow taxis, radio taxis, aggregators etc. The office order dated 25<sup>th</sup> May, 2016 is reproduced hereinbelow:-

*"A Committee is hereby constituted to examine all relevant issues related to existing permits given to black/yellow taxis, radio taxis, aggregators, etc.*

*2. The Committee shall comprise of following officers:*

- |   |                           |
|---|---------------------------|
| <i>i. Secretary (RT&amp;H), MoRT&amp;H</i>                            | <i>- Chairman</i>         |
| <i>ii. Joint Secretary (Transport), MoRT&amp;H</i>                    | <i>- Member</i>           |
| <i>iii. Transport Commissioner, Govt. of NCT Delhi</i>                | <i>- Member</i>           |
| <i>iv. Transport Commissioner, Govt. of Maharashtra</i>               | <i>- Member</i>           |
| <i>v. Transport Commissioner, Govt. of Telangana</i>                  | <i>- Member</i>           |
| <i>vi. Transport Commissioner, Govt. of Madhya Pradesh</i>            | <i>- Member</i>           |
| <i>vii. Deputy Secretary (T), MoRT&amp;H</i>                          | <i>- Member Secretary</i> |
| <i>viii. Any other co-opted member with the approval of chairman.</i> |                           |

*3. The terms of reference of the Committee shall be as under:*

- i. To examine all the issues related to various permits under the motor Vehicle Act, 1988.*
- ii. To consult all the stakeholders i.e. black/yellow taxis,*



*aggregators, radio taxis, etc.*

*iii. To formulate a credible and acceptable plan of action and frame draft scheme under the existing provisions of the MV Act, 1988.*

*iv. Any other matter that the Ministry of Road Transport & Highways may choose to request the Committee to examine and consider."*

13. Keeping in view the aforesaid and Clause 2(viii) of the aforesaid office order dated 25<sup>th</sup> May, 2016, this Court directs that the Committee appointed by the Ministry of Road Transport and Highways shall include one senior official from the Department of Ministry of Information and Technology, Union of India, the Central Pollution Control Board as well as a senior Police official from Delhi Traffic Police to be nominated by the Commissioner of Police, Delhi. The advice of the Transport Advisor, Niti Aayog should also be obtained by the Committee.
14. The Committee appointed by the Ministry of Road Transport and Highways should take into account the draft policy that has been prepared by the Delhi State Govt.
15. This Court directs that the Committee appointed by the Ministry of Road Transport and Highways should submit its report after hearing all the concerned stakeholders within a reasonable time, preferably, within a period of three months.
16. List on 21<sup>st</sup> November, 2016.
17. It is clarified that the aforesaid directions are without prejudice to the rights and contentions of all the parties.

*Order dasti.*

MANMOHAN, J

AUGUST 11, 2016  
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