

In the Land Transport Appeals Tribunal
Sitting at Labasa

Appeal # **20 of 2018**

Between: **Shabana Shaziya Khan**

Appellant

And: **Land Transport Authority**

Respondent

Dalip Chand and Sons Limited

Interested Party

Appearance

Appellant: In Person.

For LTA: Mr. G Stephens.

Dalip Chand and Sons Limited - Ms. Devi.

Judgment

Introduction

Ms. Khan has appealed the decision of the Respondent, LTA. She had applied for a Hire Permits on 9th February 2018. The LTA on 29th May 2018 after considering the application refused the application. The LTA gave the following reasons for its decision:

- "a. no proper letter and applicant didn't know the name of the Principal which has created a considerable doubt on the credibility of the applicant and contract agreement.*
- b. previous enforcement issues which shows incapability to own a LH permit.*
- c. existing LH operating as a taxi.*

d. No need established as per submission from the applicant."

Grounds of Appeal

The ground of appeal filed on behalf of the Appellant has been noted by the Tribunal.

Amongst others the main grounds of appeal relate to-

- (a) *Frivolous objection,*
- (b) *Failure to recall name and Improper assessment of binding agreement,*
- (c) *Enforcement issues, and*
- (d) *Failure to understand needs of LH compared to taxi.*

Hearing and Submissions Made

The matter was heard on 21st February 2020. The Tribunal has noted all the documents filed and the submissions made.

Analysis

From the records the Tribunal notes that the LTA had adequate and appropriate information before it to decide the matter. Consideration was given to the objection and the need. Dalip Chand and Sons was an operator on the route.

The LTA it seems was concerned with the genuineness of the binding agreement. They questioned on it. The Appellant was not able to adequately respond to those. LTA found the need had not been established.

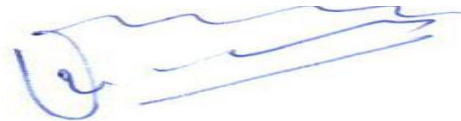
The LTA needed to put before the Appellant the enforcement issues. It is not clear from the records what these issues are. If LTA is concerned about LH operating as Taxi, LTA must deal with that as an enforcement issue. The records do not show an infringement notice issued to the Appellant for

operating LH as a Taxi. LTA needs to deal with these issues cautiously and with proper notification to Parties. However, these issues do not invalidate the decision of LTA.

The Tribunal finds that the LTA appropriately dealt with the matter. For the foregoing reasons the appeal is dismissed.

Orders

1. The Appeal is dismissed.
2. Appellant to pay each party \$250.00 costs within 30 days. Costs have been summarily assessed.
3. Appellant to pay Tribunal \$250.00 as costs within 30 days. The Tribunal will review the payment of its costs on 23rd October 2020.



Chaitanya Lakshman
Land Transport Appeals Tribunal
10th July 2020

