

**Andhra Pradesh Motor Vehicles Taxation (Amendment) Act,  
1994**

**15 of 1994**

**[23 April 1994]**

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PREAMBLE

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MOTOR VEHICLES TAXATION ACT, 1963.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fifth Year of the Republic of India as follows:-

\* Received the assent of the Governor on the 16th April, 1994. For Statement of objects and Reasons, Please see Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 22nd December, 1994 at Page 6.

**1. Short title and commencement :-**

(1) This Act may be called the Andhra Pradesh Motor Vehicles Taxation (Amendment) Act, 1994.

(2) It shall come into force on such date as the Government may, by notification, appoint.

**2. Insertion of new section 6a :-**

In the Andhra Pradesh Motor Vehicles Taxation Act, 1963 (Act 5 of 1963), after section 8, the following section shall be inserted, namely:-

6A. "Levy of tax on certain motor vehicles based on gross traffic earnings.--Notwithstanding anything in sections 3, 4, 5 and 6,-

(1) every registered owner, who owns or keeps in his possession or control more-than two thousand motor vehicles for plying on hire or reward, shall pay in respect of all such motor vehicles, a tax at such rate, not exceeding fifteen percentum of the gross traffic earnings, as may be specified by the Government, by notification, from time to time.

Explanation:- For the purposes of this section,-

(a) the term "gross traffic earning" shall mean the total amount collected towards fares, freights, including luggage charges and any amount collected towards hire or reward by or on behalf of such registered owner, either directly or indirectly, in respect of all the motor vehicles, as may be determined in the manner prescribed;

(b) while computing the "percentum of the gross traffic earning," the Government shall, as far as practicable, take into account the amount of tax collected for the preceding year from such owner, the changes in the rates of tax under clause (3) during the current year if any; and the approximate growth in the traffic during the current year.

(2) in order to determine the amount of tax payable under this section in any year, the registered owner shall make and deliver a declaration, within such time to such authority and in such form as may be prescribed, stating the gross traffic earning for the preceding year, together with ten percentum of such gross traffic earning and containing any other prescribed particulars, in respect of all motor vehicles used or kept for use by him in the State in the preceding year;

(3) on receipt of such declaration, the prescribed authority shall, on the basis of such declaration, determine the amount of tax to be paid by such registered owner provisionally and communicate the same to the registered owner by issuing an order of provisional assessment of tax for the year within such period and in such form as may be prescribed;

Provided that it shall be open to the prescribed authority to review any order of provisional assessment of tax for the year, in any case where it is considered necessary so to do and pass a fresh order of provisional assessment of tax;

(4) the amount of tax provisionally determined under clause (3) shall be paid by the registered owner of the motor vehicles or any other person having possession or control thereof, to the prescribed authority in four quarterly instalments, within fifteen days from the date of communication of the order of the provisional assessment or the commencement of the quarter, as the case may be, in the manner specified in section 11;

(5) the, registered owner shall thereafter deliver within the prescribed time, the final declaration stating the gross traffic earning of the year and containing such other particulars as may be prescribed. Such declaration shall be accompanied, by the details of provisional payment of tax paid to the prescribed authority in pursuance of the order of provisional assessment issued for the year and by such other documents as may be prescribed;

(6) on receipt of such final declaration, the prescribed authority shall verify the number of motor vehicles used or kept for use by the registered owner during the year for which the tax is payable, the amount of fares, freights, luggage charges and hire or rewards collected and such other particulars as may be deemed necessary and shall finally determine the amount of tax leviable at the rate fixed under clause (1), and communicate the same to the registered owner by issuing an order of final assessment of tax for the year in such form as may be prescribed;

(7) where the amount of tax is finally determined under clause (6), taking into consideration the amount paid by the registered owner or other person under clause (4), the difference, if any, that may be due shall be paid by, or refunded to, the registered owner in such manner and within such time as may be prescribed;

(8) the prescribed authority may, for purposes of this section, require the registered owner of the motor vehicle or the person having the possession or control thereof, to produce before it any accounts, registers, records or other documents or to furnish any information and examine the accounts, registers, records or other documents; and the registered owner or other person shall comply with any such requisition so made;

(9) the registered owner or other person having the possession or control of the motor vehicle who commits default in the payment of tax as required under this section; shall be liable to pay such amount towards penalty, not exceeding one-fourth of the amount of the tax payable, as may be levied by the prescribed authority."