

## **BOMBAY MOTOR VEHICLES TAX RULES, 1959**

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## **BOMBAY MOTOR VEHICLES TAX RULES, 1959**

In exercise of the powers conferred by section 23 of the Bombay Motor vehicles Tax Act, 1958 (Bombay LXV of 1958), and In super session of the Bombay Motor Vehicles Tax Rules, 1940, continued in force by virtue of section 24 of that Act, Government of bombay hereby makes the following rules, namely:

### **1. Short title, extent and commencement :-**

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(1) These rules may be called the Bombay Motor Vehicles Tax Rules, 1959.

(2) They extend to the whole of the State of Bombay.

(3) They shall come into force on the 1st of April 1959.

### **2. Definitions :-**

In these rules, unless the context otherwise, requires,

(a) "Act" means the Bombay Motor Vehicles Tax Act, 1958;

(b) "declaration and additional" declaration mean respectively, a declaration and additional declaration delivered under section 6;

(c) "Form" means a form appended to these rules;

(d) "State" means the State of Bombay;

(e) "registered" means registered or deemed to be registered under <sup>1</sup> [the Motor Vehicles Act, 1988];

(f) "section" means a section of the Act;

(g) [x x x]

(h) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act or in the [Motor Vehicles Act, 1988 or in the Central Motor Vehicles Rules, 1989 or in the Gujarat Motor Vehicles Rules, 1989].

1. Substituted by No. 13.

### **3. Assessment of rate of tax :-**

When a motor vehicle is registered within the State then

(a) The Taxation Authority, where it is also the registering authority, shall, verifying the particulars furnished in the application for registration, determine the rate at which the motor vehicle so

registered is liable to be taxed and make an endorsement in Form "1" on the application aforesaid;

(b) the registering authority, where it is not also the Taxation Authority shall forthwith intimate the fact of such registration to the Taxation Authority and forward to the Taxation Authority the application for registration in order to enable the Taxation Authority to determine the rate of tax at which the motor vehicle should be taxed and to make an endorsement in Form "1" on the application aforesaid.

#### **4. Means of payment of tax :-**

The payment of tax may be made into a Government Treasury or to the Taxation Authority in cash or by demand draft:

Provided that

(a) if the amount is sent by post, it shall not be sent except by demand draft;

(b) No demand draft shall be accepted by the Taxation Authority unless it is crossed and is drawn on a bank at the place where the cash business of the Treasury is conducted by the State Bank of India, the Reserve Bank of India or any other bank conducting the cash business of the State Government at such place;

(c) Where the payment is made by demand draft, the date of actual presentation of such demand draft to the taxation authority shall be deemed to be the date of payment.

(d) Where payment is made into a Government Treasury, the duplicate of the challan number, date of payment and the name of the Government Treasury shall be intimated to the Taxation Authority].

#### **5. Certificate for non-user :-**

(1) A registered owner or any person who has possession or control of a motor vehicle in respect of which tax is paid in advance, not Intending to use or keep for use such vehicle in the State and desiring to claim refund of tax on that account shall before "the commencement of the period for which the refund of tax is to be claimed, makes a declaration in form NT for any specified period not exceeding beyond the period for which the tax is paid in advance to the Taxation Authority in whose jurisdiction such vehicle is to be kept under non-use along with the certificate of taxation as

well as certificate of fitness in case of transport vehicles and a fee of rupees ten:

Provided that where a vehicle is rendered incapable of being used or kept for use on account of an accident, mechanical defect or any other sufficient cause, which makes it impossible to give an advance declaration as aforesaid then such declaration shall be given within a period of seven days from the date of occurrence of such accident, mechanical defect or such other cause, either in person or by registered post acknowledgement due.

(2) If the Taxation Authority is satisfied that the motor vehicle, in respect of which a declaration in Form "NT" has been made, has not been used or kept for use for [the whole or part of] the period mentioned in the declaration, [x x x] it shall certify that the motor vehicle has not been used or kept for use for [the whole or part of] such period [as the case may be] [by making an endorsement in the certificate of taxation to the effect]:

[Provided that nothing contained in this sub-rule shall affect the right of the Taxation Authority to recover the tax and penalty due for the period of non use so certified at any time, it is found that the vehicle was actually used or kept for use in the State during such period.]

[(2A) (i) Where the non-use of the designated omni bus as referred to in section 3A exceeds three months, a declaration in Form NT shall be made to the State Government or such officer as may be authorised by the State Government in this behalf, through the appropriate Taxation Authority. If the State Government or the authorised Officer is satisfied that designated omni bus in respect of which a declaration in form NT has been made has not been used or kept for use for the whole or part of the period mentioned in the declaration and for which the tax has not been paid, it shall certify that such omni bus has not been used or kept for use for the whole or part of such period and an endorsement to that effect shall be made in the certificate of taxation.

[(3) The declaration in Form "NT" given under the proviso to sub-rule (1) shall be [accompanied by a fee of rupees ten, the certificate] of taxation and documentary evidence, if any, or any other proof evidencing such non use of the vehicle and the period thereof. Where the appropriate Taxation Authority, on considering the evidence adduced, if any, and on making such inquiries as it

deems fit, refuses to admit the declaration of non use, or to certify the period of non use, it shall record, in writing its reasons therefor and communicate them to the applicant].

## **6. Declaration :-**

(1) A declaration shall be in Form "AT". It shall state-

- (a) the registration mark, if any, of the motor vehicle;
- (b) the period for which the tax is to be paid in advance in respect of the motor vehicle;
- (c) the fuel used for the motor vehicle;
- (d) if the motor vehicle is one which would be liable to be taxed at the rates specified in [clause III or clause IV of class A] in the First Schedule to the Act, whether the motor vehicle is intended to be used
  - (i) solely within the limits of a local authority which has levied a tax on motor vehicles, or
  - (ii) both within and without such limits.

(2) A fresh declaration shall be made every time the payment of tax is made.

## **7. Manner of delivery of declaration :-**

The declaration shall be delivered either by hand delivery or sent by registered post to the Taxation Authority [within whose jurisdiction the motor vehicle is registered or in case of the ownership of a motor vehicle is transferred or the owner of the motor vehicle has changed the address, where such transfer of ownership of the vehicle or change of address has been recorded in the certificate of registration of the vehicle]. It shall be sent along with (a) the amount of tax due for the period specified in the declaration or the cheque the demand draft, [x x x] or as the case may be, a memorandum mentioning the challan number, the date of payment and the name of Government treasury in respect of such amount, (b) the certificate of taxation, if any, issued in respect of the motor vehicle, and (c) a valid certificate of insurance in respect of the vehicle.

## **8. Period within which declaration is to be made :-**

The declaration shall be delivered-

(i) where a motor vehicle is brought for registration, within three days of the application for registration:

(ii) where the use of the vehicle was discontinued and the discontinuance duly intimated, before the vehicle is again brought into use:

[(iii)

(a) where the tax under section 3 has been paid, within twenty days from the date of the expiry of the period of which the tax has last been paid or within such extended period as may be fixed by the State Government in these rules, by notification in the Official Gazette;

(b) [xxx]

(iv) in other cases, within seven days of the date from which the vehicle is liable to be taxed or on demand by the Taxation Authority, whichever is earlier.

#### **9. Additional declaration :-**

The Additional declaration shall be in Form "B" and shall state the alterations made to the vehicle or the manner which it is proposed to be used so as to cause it to become a vehicle in respect of which [a higher rate of tax or lump sum tax] is payable. Such declaration shall be delivered, in case of alterations to the vehicle, within fourteen days of the making of such alterations and in case of proposed change in the manner of use of the vehicle before the vehicle is used in that manner, to the Taxation Authority [within whose jurisdiction the motor vehicle is registered or in case of the ownership of a motor vehicle is transferred or the owner of the motor vehicle has changed the address, where such transfer of ownership of the vehicle or change of address has been recorded in the certificate of registration of the vehicle] together with the [xx] certificate of taxation in respect of the motor vehicle and the amount of additional tax payable under section 7 or the cheque, the demand draft [x x] or, as the case may be, treasury challan, in respect of such amount.

#### **10. Forms of declaration and additional declaration from whom to be obtained :-**

The forms of declaration and additional declaration may be obtained from the office of any Taxation Authority or registering authority.

**11. Taxation authority to satisfy that declaration or additional declaration is complete :-**

The Taxation Authority shall satisfy itself that every declaration or additional declaration delivered or sent to it is complete in all respects and that the proper amount of tax or additional tax, as the case may be, has been paid, and for this purpose, it may require the registered owner or the person having possession or control of the motor vehicle in respect of which the declaration or additional declaration is made, to produce the motor vehicle before itself or before an inspector of motor vehicles. If the Taxation Authority Is satisfied that the correct amount of tax has been paid, it shall issue [x x x] a certificate of taxation in Form "TT":

[Provided that if the Taxation Authority Is satisfied that the correct amount of lump sum tax has been paid, it shall issue a receipt in Form "CT" in addition to the certificate of taxation in Form "TT'.]

**12. Application for refund under section 9 :-**

(1) Any person claiming a refund under [sub-sections (1), (2), (3) or (4) of section 91 or on the ground that he has paid more tax than is due from him shall submit an application in Form "DT" to the Taxation Authority [within whose jurisdiction the motor vehicle is registered or in case of the ownership of a motor vehicle is transferred or the owner of the motor vehicle has changed the address, where such transfer of ownership of the vehicle or change of address has been recorded in the certificate of registration of the vehicle], stating the grounds on which the refund is claimed.

(1-A) Any person claiming a refund under sub-section (5) of section 9 shall submit an application in Form "DT-1" to the Taxation Authority [within whose jurisdiction the motor vehicle is registered or in case of the ownership of a motor vehicle is transferred or the owner of the motor vehicle has changed the address, where such transfer of ownership of the vehicle or change of address has been recorded in the certificate of registration of the vehicle], stating the grounds on which the refund is claimed.]

(2) Every such application shall be accompanied by the certificate of taxation and the [receipt] issued in respect of such vehicle.

**12A. Principles determining the amount of refund under sub-section (5) of section 9 :-**

(1) The person who has paid the lump sum tax under sub-section

(1AB) of section 4, shall be entitled to a refund of tax at the rates fixed by the State Government by notification in the Official Gazette, but not exceeding the maximum rates specified in the "APPENDIX" annexed to this Rules.

(2) The refund of tax shall be granted by the Taxation Authority,

(i) in the case of removal of a motor vehicle outside the State of Gujarat on transfer of ownership or on change of address, only on production of sufficient proof of its registration outside the State of Gujarat:

(ii) in the case of cancellation of registration of motor vehicle, only on the production of a certificate from the registering authority to that effect;

(iii) in the case of alteration or change in use of motor vehicle in such manner as to cause such motor vehicle liable to payment of tax at a rate fixed by the State Government under section 3 having regard to the maximum rates specified in the First Schedule appended to the Act, only on the production of a certificate from the registering authority to that effect.]

### **13. Certificate of refund :-**

(1) If on receipt of an application under rule 12 the Taxation Authority, after making such enquiry if any, as it deems fit, is satisfied that a refund is admissible, it shall calculate the amount of refund due, issue to the applicant a certificate in Form "ET" and return to the applicant the certificate of taxation after making entries there on of any refund admitted [x x x].

(2) If the Taxation Authority refuses to sanction the full amount of the refund claimed, it shall communicate its reasons for doing so in writing to the applicant.

### **14. Payment of refund :-**

Any person to whom a certificate in Form "ET" has been issued under rule 13 shall, on presentation of the certificate at the local Government treasury, the State Bank of India, the Reserve Bank of India, or any other bank conducting the cash business of the State Government within thirty days from the date of its issue or from the date signification of any subsequent renewal of the certificate by the Taxation Authority, be entitled to have the refund of the sum mentioned therein.



**15. Register of refunds :-**

The Taxation Authority shall maintain a register of refunds of the tax and every amount for which a certificate in Form "ET" has been issued shall be entered in such register. If the Taxation Authority issuing the certificate of refunds is not the authority in whose custody the records of the motor vehicles are maintained, it shall communicate the particulars of the refund to such other authority.

**16. Levy of tax, etc., in case of fleet-owner :-**

In the case of a fleet-owner, the foregoing provisions shall, so far as may be, apply subject to the following modifications, namely:

(1) The preliminary declaration under sub-section (1) of section 10 and the final declaration under sub-section (4) of section 10 shall be made in Form "HT" and Form "IT", respectively.

(2) Such declarations shall be delivered to the Taxation Authority by hand delivery or sent to it by registered post. The final declaration along with Form "JT" shall be sent so as to reach the Taxation Authority on or before the 30th April of the year next to which it pertains.

(3) A certificate of provisional assessment of tax under sub-section (2) of section 10 shall be Issued by the Taxation Authority in Form "KT" by the second week of April of the year to which it pertains.

(4) A certificate of final assessment of tax under sub-section (5) of section 10 shall be issued by the Taxation Authority in Form "KT" [within a period of one year from the date of receipt of the final declaration].

(5) The amount of additional tax due if any as result of the final assessment of tax shall be paid by the fleet-owner to the Taxation Authority within fifteen days from the date of receipt of the certificate of final assessment by him.

(6)

(a) In case of excess payment, a certificate for refund of the difference between the amount of tax provisionally paid by the fleet owner and the amount of tax, as finally determined shall be issued by the Taxation Authority to the fleet-owner in Form "LT, within fifteen days from the date of the certificate of final assessment of tax.

(b) A fleet owner to whom a certificate in Form "LT" has been

issued shall, on presentation of the certificate at the local Government treasury the Reserve Bank of India, the State Bank of India, or any other bank conducting the cash business of the State Government within thirty days from the date of its issue or from the date of signification of any subsequent renewal of the certificate by the Taxation Authority, be entitled to have the refund of the sum mentioned therein.

(c) The Taxation Authority shall maintain a register of refunds and every amount for which a certificate of refund in Form "LT" is Issued shall be entered in such register. It shall also make an endorsement to the refund on the certificate of provisional assessment Issued by it.

(7) Notwithstanding the issue of the certificate of final assessment of tax if subsequently it is found that on account of

(i) use of motor vehicles previously declared as not intended for use, or

(ii) registration of motor vehicles not specified in the final declaration, or

(iii) alterations to motor vehicles not specified in the final declaration, or

(iv) any other reason, an additional amount of tax is due from the fleet-owner, the Taxation Authority shall issue a notice to the fleet-owner giving sufficient details for the additional claim and requiring him either-

(a) to pay the sum demanded in the notice; or

(b) to show cause to the satisfaction of the Taxation Authority why he is not liable to pay the same, within fifteen days from the date of receipt of such notice. If the fleet-owner fails to pay the sum or to show cause to the satisfaction of the Taxation Authority; the Taxation Authority issue notice of demand requiring the fleet-owner to pay the sum within fifteen days from the date of receipt of such notice and the owner shall be liable to pay the additional amount of tax accordingly:

Provided that while assessing the additional amount of tax due, amount of refund of tax found to be due after the Issued of the certificate of final assessment of tax on account of

(i) non-use of motor vehicle previously declared as Intended for use, or

(ii) not carrying out alterations to motor vehicles specified in the final declaration, or

(iii) any other reason,

(8) Every fleet-owner shall maintain a record of his transport vehicles In use in Form "JT".

**16A. Principles for exemption under section 13 :-**

The State Government may under sub-section (2) of section 13 exempt, if it considers it necessary to do so,

(1) any class of motor vehicles or any motor vehicles belonging to any class of persons if such vehicles are used or kept for use in furtherance of any educational, medical or other charitable or religious object;

(2) and motor vehicle [belonging to the Central Government or to any State Government] or to any local authority, if such vehicle is used solely for public purposes and not used or intended to be used for the purposes of profit;

(3) vehicles imported or arriving in and used in the State of Gujarat in pursuance of a treaty with other countries, international conventions or other legally binding agreements with other countries and the vehicles covered by reciprocal transport agreements with other States [including the motor vehicles allowed to ply temporarily, pending the publication in the official gazette of the reciprocal transport agreement as required by [sub-section (5) and sub- section (6) of section 88 of the Motor Vehicles Act, 1988]:

(4) motor vehicles other than transport vehicles in respect of which tax has been paid in any other State or Union Territory and which are kept in the State of Gujarat during [the period not exceeding three months] in respect of which the tax has been paid in such State or Union Territory;

(5) motor vehicles belonging to any public undertakings when such vehicles are used exclusively between the garage and the workshops of such undertakings or for periodical checking, overhaul repairs, painting or body building, or for the purpose of road testing when such movement is not for hire or reward.

(6) motor vehicles belonging to persons physically handicapped if such vehicles are registered in their names and are used by them in connection with their employment, trade or business.]

(7) to (9) Not found, hence not reproduced.

[(10) motor vehicles belonging to any class of persons who has suffered financial loss on account of natural calamities like scarcity, flood and cyclone for such period as may be specified by the State Government.]

[(11) Tractor-cum-trailers belong to agriculturists or co- operative societies of agriculturists, if such vehicles are used by such agriculturist, societies or as the case may be, members of such societies, for transportation between the land cultivated by them personally and their place of residence or godown or any market place of agricultural produce grown by them on such land or required by them in connection with the cultivation of such land or of other material required for construction of farm house or for personal use of consumption but not for commercial or trade purposes.]

[(12) Motor vehicles belonging to personnel in the Defence Services of the Government of India and in respect of which lump- sum tax has been paid in any other State or Union Territory and which are kept in the State of Gujarat.]

### **17. Vehicles exempted from tax under section 13 :-**

(1) A registered owner of, or person who has possession or control of a motor vehicles used or kept for use in the State, claiming exemption from payment of tax under section 13 shall make an application in Form "MT" [for making an entry in the certificate of taxation to that effect that] the motor vehicle is exempted from payment of tax.

(2) The application shall be signed by the applicant and delivered either by hand delivery or by post, to the Taxation Authority within whose jurisdiction the motor vehicle is used and shall be accompanied by the certificate of taxation, if any, and a valid certificate of insurance in respect of the vehicle.

(3) If the Taxation Authority is satisfied that the vehicle is exempted from payment of tax it shall [make an entry in the certificate of taxation to the effect that the motor vehicle is

exempted from payment of tax].

(4) On the expiry of the period for which the [exemption] is valid, a fresh application for claiming exemption from the tax shall be made.

(5) The application under this rule shall be made within seven days of the entry of such a vehicle into the State or within seven days of the expiry of the period of the [exemption], if any, last issued in respect of such vehicle or along with the application for registration if such vehicle is produced for registration for the first time.

(6) Nothing contained in this rule shall apply to motor vehicle for which declaration in Form "FT" has been made under rule 21.

**18. Power to stop motor vehicle :-**

Any police officer in uniform, and above the rank of constable, or any officer of the Motor Vehicles Department in uniform of and above the rank of an Assistant Motor Inspector, may exercise the powers mentioned in section 15.

**19. . :-**

Deleted.

**20. Record of recoveries and penalties :-**

] to be maintained. Every Taxation Authority shall maintain a record of all sums payable as penalties and of all recoveries made under the Act]

**21. Declaration to be submitted in respect of vehicles brought into State :-**

Any person,

(a) who brings a motor vehicle into the State and keeps it for use therein, or

(b) who keeps a motor vehicle outside the State but ordinarily uses such motor vehicle in the State.

shall, within seven days of the entry of the motor vehicle into the State or of the commencement of such use, as the case may be, deliver or cause to be delivered to the nearest Taxation Authority a declaration in Form "FT".

**22. . :-**

Deleted.

**23. [Endorsement in certificate of taxation] in case of**

**vehicles brought for use in State :-**

Where on receipt of a declaration in Form "FT" the Taxation Authority is satisfied that the vehicle in respect of which declaration is made is exempted from the payment of tax or that the amount of tax due in respect of such vehicle has been paid, it shall notwithstanding anything contained in rule 11 [make an endorsement in the certificate of taxation. If the vehicle is exempted from the payment of the tax, the word "Exempted" shall be endorsed therein].

**24. Receipt :-**

A receipt in form "CT" issued under these rules [and the certificate of taxation in Form TT issued under rule 11 in respect of transport vehicle] shall be carried with the vehicle at all times, when the vehicle is in use or kept for use in any public place].

**25. . :-**

x x x]

**26. Fraction of rupee :-**

For the purpose of calculating the amount of refund due to any person or the amount of penalty due from any person, the fraction of a rupee less than fifty naye paise shall be taken as fifty naye paise and the portion of rupee exceeding fifty naye paise shall be taken as a rupee.

**27. Records of receipts of tax :-**

The Taxation Authority shall maintain a record of receipts of the tax.

**28. Notice of place and time of business :-**

The Taxation Authority shall give public notice of the places at which the date on which, and the hours between which payment of the tax may be made and applications made and heard under the Act.

**29. Appeals under section 14 to appellate authority :-**

(1) Any person aggrieved by an order of a taxation authority made under the Act may, within thirty days from the date of receipt of such order where such person is a fleet-owner, appeal to the State Government and in any other case, to [the Commissioner of Transport or Director of Transport, as the case may be], (hereinafter in these rules referred to as the "appellate authority"). The Secretary, the Joint Secretary, or a Deputy Secretary to the

State Government in the [Home Department] shall hear such appeals on behalf of the State Government.

(2) An appeal under sub-rule (1) shall be preferred in duplicate in the form of a memorandum setting forth concisely the grounds of objection to the order appealed against and shall be accompanied by a certified copy of that order, and a fee of rupees [twenty five] in cash.

**30. Procedure on appeal. :-**

Where an appeal is presented under rule 29. the appellate authority shall give an intimation thereof to the Taxation Authority, against the order of which the appeal is preferred and may, after giving an opportunity to the parties concerned to be heard and after making such inquiry as it deems fit, either confirm, modify or set aside the order of the Taxation Authority.

**31. Supply of copies. :-**

The appellate authority or the Taxation Authority against the order of which an appeal has been preferred under rule 29 may give to any person interested in the appeal copies of the memorandum of appeal and of any documents produced therewith on payment of a fee of two rupees per copy of each document.

**32. Supply of information regarding payment of tax, etc. :-**

The Taxation Authority may supply information on all or any of the items specified below regarding any motor vehicle registered in the records maintained by it to any intending purchaser of such vehicle on an application made by him and on payment of a fee of [rupees five] per vehicle.

- (1) The class and rate of tax payable;
  - (2) For what period tax has been paid:
  - (3) Whether tax or additional tax has been paid or is due for a particular period;
  - (4) Whether non-use of the vehicle has been intimated;
  - (5) Whether refund of tax has been claimed or allowed;
  - (6) Whether the vehicle is exempted from payment of tax;
  - (7) Whether any appeal has been filed under section 14 of the Act;
- and

(8) Whether the registered owner has been prosecuted for any offence punishable under the Act.

**33. Penalty for contravention of rules. :-**

Whosoever contravenes any of the provisions of rules 6,7,8,9,16,17,21, [and 24] shall, on conviction, be punished with fine which may extend to two hundred rupees. If no penalty is prescribed by the Act for such contravention.