

GUJARAT MOTOR TRANSPORT VEHICLE TOLL RULES, 1992

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1. Short title and commencement :-

(1) these rules may be called the Gujarat Motor Transport Vehicles toll rules, 1992.

(2) These rules shall come into force on and from the 7th April, 1992.

2. Definitions. :-

In these rules, unless the context otherwise requires,-

(a) "Act" means the Gujarat Motor Transport Vehicles Toll Act, 1992;

(b) "form" means the form appended to these rules:

(c) "Section" means a section of the Act.

3. Manner of dealing with detained motor transport vehicle or part or accessory thereof. :-

(1) Where Toll Tax Officer detains motor transport vehicle or part or accessory thereof under sub- section (2) of section 6, he shall make an order in Form I in triplicate and serve a copy of that order to the driver or any person-in-charge of the motor transport vehicle or operator and obtain his signature on the third copy of the said order.

(2) The Toll Tax Officer may keep motor transport vehicle or part or accessory thereof so detained in his custody for twenty four hours

and during that period if toll or penalty or both is not paid, the Toll Tax Officer shall send or cause to be sent so detained motor transport vehicle or part or accessory thereof to the officer-in-charge of the nearest police station for its custody and one copy of order passed under sub-rule (1) shall be given to the Police Officer in whose custody such vehicle or part or accessory thereof is given. The Toll Tax Officer may for that purpose require the driver the motor transport vehicle so detained.

(3) The vehicle or part or accessory thereof detained under subsection (2) of Section 6 shall be released on payment of the toll or penalty or both and in case so detained motor transport vehicle or part or accessory thereof is in the custody of the Police Officer, an order in Form II shall be passed by the Toll Tax Officer and on receipt of such order, the vehicle or part or accessory thereof shall be released forthwith.

(4) If the toll or penalty or both, is not paid within a period of thirty days from the date of the vehicle so detained, the vehicle or part or accessory thereof so detained may be disposed of by the Toll Tax Officer by Public auction at the risk and expense of the operator of the motor transport vehicle so detained and sale proceeds thereof shall be disbursed to the operator after deducting there from the due amount of toll or penalty, or both, along with the expenditure incurred on such auction.

4. Appellate Authority. :-

(1) The Director of Transport shall be the appellate authority for the purpose of section 8.

(2) An appeal shall be made within thirty days from the date of the order passed under Section 7 of the Act: Provided that the period may, for good cause shown, be extended by the appellate authority.

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

(4) The appellate authority may, after giving the appellant an opportunity or being heard, pass such order, as it thinks fit.

5. Manner of levy, payment and collection of toll. :-

(1) The driver or the person-in-charge of the motor transport vehicle or the operator shall pay the toll or penalty or both in cash to the Toll Tax officer at the barrier established for the collection of toll. The Toll Tax Officer shall issue a receipt in form III-A for light motor vehicle and motor cab; in form III-B for medium goods vehicle, medium passenger motor vehicle, heavy goods vehicle and heavy passenger motor vehicle, and in form IV, for the amount of toll or penalty paid. This receipt shall be preserved by the driver or the person in-charge of the motor transport vehicle or operator with the vehicle and shall be produced before any Toll Tax Officer, any where in the State, on demand.

(2) If the Toll Tax officer has reason to believe that a motor transport vehicle has entered the limit of Gujarat without payment of toll, he may stop the said vehicle at the barrier or any other place within the State and cause it to remain stationary. He shall levy a toll or penalty or both on such vehicle after giving a reasonable opportunity to the driver or person-in-charge of the motor transport vehicle or operator for the same and allow the vehicle to move.