

GUJARAT MOTOR VEHICLES (REQUISITIONING AND CONTROL) RULES, 1992

CONTENTS

1. Short title
2. Definitions
3. Rate of interest on cost of vehicles requisitioned
4. Depreciation amount of vehicles during the period of requisition
5. Rate of compensation for loss of use of vehicler profits
6. Amount of additional compensation for requisitioning of vehicles
7. Arbitration
8. appeals
9. Payment of compensation

GUJARAT MOTOR VEHICLES (REQUISITIONING AND CONTROL) RULES, 1992

Whereas, draft of a Gujarat motor Vehicles (Requisitioning and Control) Rules, 1989 were published as required by sub-section (3) of section 14 of the Gujarat Motor Vehicles (Requisitioning and Control) Act, 1987 (Guj. 10 of 1987), at Pages 146-1 to 146-4 of the Gujarat Government Gazette, Extraordinary, Part IV-B, dated the 19th June, 1991 under Government notification Home Department No. GH/G/91/112/MVR/1687-1921- KH, dated the 10th June, 1991, inviting objections or suggestions from all persons likely to be affected thereby till 18th July. 1991; AND WHEREAS, no objections or suggestions were received from any person by the Government, NOW THEREFORE, in exercisøf the powers conferred by sub-section (2) of section 14 read with sections 6 and 7 of the Gujarat Motor Vehicles (Requisitioning and Control) Act, 1987 (Guj 10 of 1987) and of all others powers enabling it in that behalf, the Government of Gujarat hereby makes the following rules, namely:

1. Short title :-

These rules may be called the Gujarat Motor Vehicles (Requisitioning and Control) Rules, 1992.

2. Definitions :-

In these rules, unless, the context requires otherwise,

- (a) "Act" means the Gujarat Motor Vehicles (Requisitioning and

Control) Act, 1987:

(b) "goods carriage" has the same meaning as assigned to that expression under clause (14) of Section 2 of the Motor Vehicles Act, 1988 ;

(c) "public service vehicles" has the same meaning as assigned to that expression under clause (35) of Section 2 of the Motor Vehicles Act, 1988 ;

(d) "section" means a section of the Act:

(e) "vehicle" means a vehicles which has been requisitioned under the Act.

3. Rate of interest on cost of vehicles requisitioned :-

The rate of interest on the cost at which the owner has purchased the vehicle referred to in clause (i) of sub-section (1) of Section 6 of the Act shall be ten per cent per annum for all classes of vehicles.

4. Depreciation amount of vehicles during the period of requisition :-

The amount representing depreciation of the vehicle during the period of its requisitioning shall be calculated at the rate of twenty per cent per annum for public service vehicles and goods vehicles and fifteen percent for all other classes of vehicles on the cost of the vehicle referred to In clause (ii) of sub-section (1) of Section 6 of the Act, for the first year beginning with the date of requisitioning of the vehicle and on its depreciated value at the beginning of each following year.

5. Rate of compensation for loss of use of vehicler profits :-

The amount for the loss of the use of the vehicle or any profits that might have been earned but for the requisitioning shall be three per cent per annum for the vehicles referred to in Rule 3 on their cost as calculated under clause (iii) of sub-section (10 of Section 6 of the Act, reduced by depreciation at the same rate as provided in Rule 4.

6. Amount of additional compensation for requisitioning of vehicles :-

(1) The additional compensation, payable to an owner of a vehicle in case of damage otherwise than by normal wear and tear shall be a sum equal to the cost of making goods the damage.

(2) The additional compensation payable in case of a total loss of the vehicle if the vehicle is lost during the period of requisitioning when the same is not insured shall be the depreciated value of the vehicle or the market price of a similar type of vehicles whichever is less.

7. Arbitration :-

Where the owner is aggrieved by an order determining the amount of compensation, he may make an application to the State Government within a period of thirty days from the receipt of the order for referring the matter to an arbitrator appointed in this behalf by the State Government In the form of a memorandum in duplicate setting concisely the grounds.

8. appeals :-

(1) Any person aggrieved by the decision of the arbitrator may, within thirty days from the date of receipt of such decision, appeal to the District Court having jurisdiction over the area in which the motor vehicle was requisitioned.

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

9. Payment of compensation :-

(1) Where requisitioning of a motor vehicle is likely to be continued for a period not less than a month, interim compensation of 7 (seven) percent of the compensation determined under Section 6 of the Act shall be payable to the owner.

(2) Where payment of compensation is delayed beyond the period mentioned in Section 7 of the Act, interest shall be payable to the owner on the amount or part of the amount in arrears at the rate of 10% (ten) per cent per annum with effect from the date of expiry of the period specified above.