

Kerala Tolls (Amendment) Act, 1986

34 of 1986

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An Act to amend the Kerala Tolls Act, 1976. WHEREAS it is expedient to amend the Kerala Tolls Act, 1976, for the purposes hereinafter appearing; BE it enacted in the Thirty-seventh Year of the republic of India as follows:-

1. Short Title And Commencement :-

(1) This act may be called the Kerala Tolls (Amendment) Act, 1986.
(a) Clause (1) of section 2 and clause (1) of section 3 shall be deemed to have come into force on the 29 th day of November, 1984, clause (2) of section 3 shall be deemed to have come into force on the 23 rd day of November, 1983 and the remaining provisions of this Act shall come into force at once

2. Amendment Of Section 2 :-

In section 2 of the Kerala Tolls Act, 1976 (6 of 1977) (hereinafter referred to as the principal Act), -

(a) in clause (a), for the words "fifteen lakhs rupees", the words "twenty-five lakhs rupees" shall be substituted.

(b) after clause (a), the following clauses shall be inserted namely:-
"(aa) "company" means a company in which not less than fifty-one per cent of the paid up share capital is held by the Government of Kerala or jointly by the Central Government and the Government of Kerala and includes a company which is a subsidiary of any such

company:

(aaa) "corporation" means a corporation established or constituted by or under a central or State Act and owned or controlled by the Government of Kerala;

3. Amendment Of Section 3 :-

In section 3 of the principal Act,-

(1) in sub-section (1), for the figures, letters and words " 1 st day of January, 1976", the figures, letters and words " 1 st day of July, 1983" shall be substituted;

(2) to sub-section (1), the following proviso shall be added namely:-

"Provided that if the Government are of opinion that it is necessary in the public interest so to do, they may, by notification in the Gazette, specify any bridges in respect of which no toll shall be leviable under this sub-section.";

(3) in sub-section (3), in the Explanation, after the words "In this sub-section,", the words, brackets, figures and letter "and in sub-section (4) of section 3A" shall be inserted.

4. Insertion Of New Section 3A :-

After section 3 of the principal Act, the following section shall be inserted, namely:-

"3A. Levy of toll by company or corporation.- (1) A company or a corporation may levy a toll on every motor vehicle entering a bridge constructed by it at the instance of the Government, utilising wholly or partly its own funds or funds raised by it by loans from financial institutions, and declared open for traffic after the commencement of the Kerala Tolls (Amendment) Act, 1986.

(2) The toll under sub-section (1) shall be levied at such rate and for such period as the Government may, by notification in the gazette, declare to be necessary for the recovery of the amounts expended upon such bridge by the company or the corporation or such portion thereof as may be decided by the Government, together with interest and other overhead charges, at such rates as they may fix.

(3) The toll leviable under this section shall be collected by the company or the corporation, as the case may be, in such manner and in accordance with such rules as may be prescribed.

(4) Any person employed in the management and collection of toll under this section shall be liable to the same responsibilities as

would belong to him if employed in the collection of basic tax.

(5) The proceeds of the toll collected by a company or a corporation under this section shall be utilised,-

(a) for recouping any amount spent by such company or corporation from its own funds and interest thereon;

(b) for repayment of the principal amount of any loan obtained by such company or corporation from any financial institution for the purpose of constructing the bridge in respect of which the toll is levied and the interest thereon; and

(c) for meeting the expenses of collection and recovery of the toll and other overhead charges as may be determined by the Government.

(6) The company or the corporation, as the case may be, shall furnish to the Government or to such officer or authority as may be specified by the Government in this behalf, accounts regarding the levy and collection of tolls and the utilisation thereof, in such manner, at such intervals and in such form as may be prescribed.

(7) Where the Government have expended any amount on the construction of a bridge in respect of which toll is leviable under this section, toll may be levied by the Government under section 3 after the expiry of the period of collection of toll under this section."

5. Amendment Of Section 12 :-

In section 12 of the principal Act,-

(1) for the words "Bridges and Roads Fund", wherever they occur, the words "Bridges Fund" shall be substituted;

(2) in sub-section (2), after the words "The proceeds of the toll levied and collected under this Act", the words "by the Government" shall be inserted;

(3) In sub-section (5), the words "and roads" occurring at the end shall be omitted.

6. Repeal And Saving :-

(1) The Kerala Tolls (Amendment) Ordinance, 1986 (52 of 1986), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

