

## **Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985**

**17 of 1985**

**[28 August 1985]**

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## **Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985**

**17 of 1985**

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An Act to provide for the levy of toll on certain motor vehicles entering in the Suite of Madhya Pradesh and for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows :-- 1. Received the assent of the Governor on 28-8-1985; assent first published in the Madhya Pradesh Gazette (Extraordinary), dated 29-8-1985.

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985.
- (2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force on such date<sup>1</sup> as the State Government may, by notification, appoint.

## **2. Definitions :-**

In this Act, unless the context otherwise requires,--

- (a) "barrier" means a barrier established under Section 4;
- (b) "goods vehicle" means a transport vehicle whether a private goods vehicle or public goods vehicle as defined in the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962 (No. 19 of 1962);
- (c) "operator" means any person whose name is entered in the permit in respect of the motor transport vehicle, as the holder thereof and includes any person for the time being in charge of such vehicle;
- (d) "toll" means the toll levied under Section 3;
- (e) "Toll Tax Officer" means such officer or officers as the State Government may, by notification, appoint to be the Toll Tax Officer for the whole of Madhya Pradesh or any area or areas thereof for the purposes of this Act and includes a Taxation Authority under the Madhya Pradesh Motor Vehicles Taxation Act, 1947 (No. 6 of 1947) or tax officer appointed under the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962 (No. 19 of 1962);
- (f) "motor transport vehicle" means a stage carriage or a goods vehicle;
- (g) words and expressions used and not defined in this Act but defined in 2[The Motor Vehicles Act, 1988 (59 of 1988)], shall have the respective meanings assigned to them in that Act.

The expression toll through means where a town prescribes.

1. W.e.f. 15-9-1985 vide Notification No. 8-4-1984-VII, dated 9-9-1985.

2. Substituted by M.P. Act No. 15 of 1991.

## **3. Levy Of Toll :-**

(1) There shall be levied a toll 1[on every transport vehicle plying under a permit granted under the 1[Motor Vehicles Act, 1988 (59 of 1988)] by an authority having jurisdiction outside the State of Madhya Pradesh, at the time of its entering the State of Madhya Pradesh] at such rate not exceeding 2[two hundred rupees] per vehicle, as the State Government may, by notification specify :

Provided that where toll has been paid once in respect of the entry of the vehicle no toll shall be levied for any subsequent entry

thereof on the same day.

(2) The toll shall be paid by the operator of the Motor Transport Vehicle.

1. Substituted by M.P. Act No. 15 of 1991.

2. Substituted by M.P. Act No. 10 of 1988.

#### **4. Establishment Of Barriers :-**

For the purposes of collection of toll, the State Government shall, by notification, establish barriers at such places on the boundary of the State as may be specified in the notification.

#### **5. Prohibition Of Entry Without Paying Toll :-**

No motor transport vehicle liable to pay toll under Section 3, shall be entered or plied in the State unless the toll has been paid, and the Toll Tax Officer shall have the power to prevent the entry or plying of such vehicle in contravention of the provisions of this Act.

#### **6. Powers To Stop And Seize :-**

(1) When so required by the Toll Tax Officer or any other person authorised by him in this behalf, the driver of a motor transport vehicle shall stop the vehicle whether at the barrier or any other place within the State, and keep it stationary for a reasonable period in order to enable the Toll Tax Officer or the person so authorised, as the case may be, to satisfy himself that the toll, if payable, has been paid and that other provisions of this Act have been complied with.

(2) When the Toll Tax Officer or the person authorised by him under sub-section (1) has reason to believe,--

(a) that the toll has not been paid, he may detain the vehicle or any part or accessory thereof sufficient in his opinion for realisation of the toll, until the toll is paid, or

(b) that any breach of the provisions of this Act has been committed, detain the vehicle or any part or accessory thereof sufficient in his opinion for realisation of the maximum amount of penalty leviable under Section 7, until cash security equivalent to such amount is furnished :

Provided that no action under this sub-section shall be taken unless the driver of the vehicle has been given a reasonable opportunity of being heard.

(3) The vehicle so detained or the security so deposited shall be

dealt within such manner as may be prescribed.

## **7. Penalty :-**

If the Toll Tax Officer is satisfied after making such enquiry, as he may deem necessary that any person has committed a breach of any of the provisions of this Act or the rules made thereunder, he may order that such person shall pay by way of penalty in addition to the toll, if any, payable by him, a sum not exceeding two hundred and fifty rupees :

Provided that no such order shall be made unless such person has been given a reasonable opportunity of being heard.

## **8. Appeal :-**

Any person aggrieved by an order under Section 7 may, within thirty days from the communication of such order to him prefer an appeal against such order to such appellate authority as may be prescribed and the order of such appellate authority shall be final.

## **9. Manner Of Levy, Payment And Collection Of Toll Etc. :-**

(1) The toll shall be levied, paid and collected in such manner as may be prescribed.

(2) Without prejudice to the provisions of sub-section (1) any toll, penalty or other dues recoverable under this Act, if not paid within fifteen days of its becoming due may be recovered in the same manner as arrears of land revenue.

## **10. Lump Sum Agreement :-**

Notwithstanding anything contained in the foregoing provisions of this Act, the State Government or any officer authorised by it in this behalf, may agree to accept a lump sum in lieu of the amount of toll that may be payable, for such period, as may be agreed upon, by the operator to the State Government:

Provided that any change in the rate of toll which may come into force after the date of such agreement shall have the effect of making a proportionate change in the lump sum agreed upon in relation to the part of the period of agreement during which such changed rate remains in force.

## **11. Power Of State Government To Exempt From Toll :-**

The State Government may, by notification exempt in whole or in part any motor transport vehicle or class of motor transport vehicle from the payment of toll for such period and subject to such restrictions and conditions as may be specified in the notification.

## **12. Reciprocal Agreement :-**

Notwithstanding anything contained in this Act where any reciprocal agreement relating to levy, collection and payment of the toll is entered into by the State Government with any other State Government, the levy, collection and payment of the toll shall be in accordance with the terms and conditions of such agreement :

Provided that the toll so levied shall not exceed the toll which would have otherwise been levied under other provisions of this Act.

## **13. Protection Of Action Taken Under The Act :-**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported or intended to be done, in pursuance of the provisions of this Act or the rules made thereunder.

## **14. Power To Make Rules :-**

(1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may, provide for all or any of the following matters, namely,--

(i) the manner of dealing with the vehicle detained or the security deposited under sub-section (3) of Section 6;

(ii) appellate authority to be prescribed under Section 8; (iii) the manner of levy, payment and collection of the toll under sub-section (1) of Section 9; (iv) any other matter which has to be or may be prescribed. (3) The rules made under this Act shall be laid on the table of the Legislative Assembly.