

**Madhya Pradesh Motoryan Karadhan Adhiniyam, 1991**

**25 of 1991**

**[21 September 1991]**

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# **Madhya Pradesh Motoryan Karadhan Adhiniyam, 1991**

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Statement of objects and reasons. --Motor vehicle tax is levied under the Madhya Pradesh Motor Vehicle Taxation Act, 1947 on all vehicles used or kept for use in Madhya Pradesh. In addition, "additional tax" is levied on passenger vehicles under separate provisions of the said Act. Under the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962, goods tax is levied on goods carriages. 2. With a view to rationalising and simplifying taxation on motor vehicles, the following objects are sought to be achieved through this Bill,-- (i) Multiplicity of taxes on motor vehicles viz. "motor vehicle tax", "goods tax", and "additional tax" is being abolished by integrating all leviable taxes under the head "motor vehicle tax". (ii) Tax rates for different categories of vehicles have been rationalised and rounded off to make calculation of tax amount and its payment simpler. (iii) Certain new classes of vehicles, such as private service vehicles, educational institution buses have been introduced in the Motor Vehicles Act, 1988. The present Taxation Act does not provide tax rates for such classes of vehicles. The proposed Bill provides for separate tax rates for these new classes of vehicles. (iv) The population of non-transport vehicles such as motor cycles, scooters, cars etc. is 80% of the total registered vehicles in the State and their owners have to repeatedly visit the Regional Transport Offices to deposit tax and get registration papers updated, States adjoining Madhya Pradesh namely Maharashtra, Gujarat, Rajasthan, Andhra Pradesh, Uttar Pradesh as also in the Union Territory of Delhi have introduced compulsory life time tax on motor cycles, scooters, cars etc. Following the tax system of these States, a compulsory life time tax is being proposed on non-transport vehicles. At present payment of life time tax is optional under the Madhya Pradesh Motor Vehicle Taxation Act, 1947. The proposed compulsory arrangement will, in addition to giving facility to the owner of Motor Vehicles, reduced the workload of the Regional Transport Offices. (v) With a view to curbing the tendency to evade the payment of tax on motor vehicles, suitable provisions have been incorporated in the Bill for the payment of tax in advance subsequently and for appropriate refunds for periods of non-use. 1. Received the assent of the Governor on the 21-9-1991, assent first published in the "Madhya

Pradesh Gazette (Extraordinary)" dated the 27-11-1991.

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

(1) This Act may be called the Madhya Pradesh Motoryan Karadhan Adhiniyam, 1991.

(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.

1. w.e.f. 1-1-1992.

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

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

(a) "Taxation Authority" means an officer appointed by the State Government as such for the purposes of this Act;

(b) "Owner" means the person in whose name a motor vehicle is registered under the Motor Vehicles Act, 1988 (No. 59 of 1988), and includes :--

(i) a person having possession or control of a motor vehicle for the time being;

(ii) a person responsible for the management of business of such owner; and

(iii) in case of a transport vehicle covered by a permit the holder of permit or a person or persons, who have acquired a right of succession to the possession of the vehicle and to the permit under the Motor Vehicles Act, 1988 (No. 59 of 1988);

(c) "Tax" means a tax leviable under this Act;

(d) "Year" means the financial year; "half year" means the first six months or the second six months of the year; and "quarter" means the first three months or the second three months of the half year;

(e) the words and expressions used but not defined in this Act shall have the meanings assigned to them in the Motor Vehicles Act, 1988 (No. 59 of 1988).

### **3. Levy Of Tax On Motor Vehicles :-**

(1) A tax shall be levied on every motor vehicle used or kept for use in the State at the rate specified in the First Schedule :

1[Provided that the lifetime tax on every motor vehicle shall be levied at the rates specified in the second Schedule] :

Provided further that in respect of a motor vehicle passing through the State from a manufacturer to a dealer under a temporary

certificate of registration for a period not exceeding one month, the rate of tax shall be one third of the tax payable for a quarter.

(2) A Transport Vehicle of which the certificate of registration is current, shall, for the purposes of this Act, be presumed to have been in use or kept for use, notwithstanding the expiry of the certificate of fitness in case of such transport vehicle.

1. Substituted by M.P. Act No. 1 of 2005 (w.e.f. 5-1-2005).

#### **4. Tax Payable By Dealer Or Manufacturer :-**

A tax at the annual rate specified in the Third Schedule in lieu of the rates specified in the First Schedule, shall be paid by a manufacturer of or a dealer in motor vehicles, in respect of the motor vehicles in his possession in the course of his business as such manufacturer or dealer under the authorisation of a trade certificate granted under the Central Motor Vehicles Rules, 1989.

#### **5. Payment Of Tax :-**

(1) The tax levied under this Act shall be paid in advance by the owner of the motor vehicle, at his choice, quarterly, half yearly or annually on a token to be obtained by him for that quarter, half year or year, within fifteen days from the commencement of the quarter, half year or year, as the case may be. Tax for a half yearly token shall not exceed twice and tax for an annual token shall not exceed four times the tax for a quarterly token :

Provided that the tax shall be paid in respect of a motor vehicle used or kept for use for any period expiring on the last day of a quarter and not exceeding two months, at two thirds of the quarterly tax or one-third of such tax accounting to the period exceeds or does not exceed one month :

Provided further that whenever the rates of tax specified in the First Schedule are enhanced and the owner of a motor vehicle becomes liable to pay the tax at the enhanced rate, then such owner shall deposit the difference of amount of tax at the time of payment of tax for the subsequent period in respect of that motor vehicle :

1[Provided also that the tax levied in respect of a stage carriage, plying on a route other than a city route or a contract carriage other than a motor cab shall be paid in advance monthly, quarterly, half yearly or annually within ten days from the beginning of the month, quarter, half year or year, as the case may be.]

(2) Notwithstanding anything contained in sub-section (1), the tax

levied under the first proviso to sub-section (1) of Section 3 shall be for the life time of the motor vehicle and shall be paid in advance in lump-sum by the owner :

Provided that--

(i) in case of a motor vehicle specified in the first proviso to sub-section (1) of Section 3 registered in Madhya Pradesh, the total amount of tax paid prior to the commencement of this Act shall be deducted from the amount of life time tax specified in the Second Schedule;

(ii) in case of motor vehicle specified in first proviso to sub-section (1) of Section 3 registered in any other State and brought into the State of Madhya Pradesh, an amount of tax that ought to have been paid under First Schedule had the vehicle been originally registered and used in Madhya Pradesh, till the date of payment of life time tax, shall be deducted from the amount of life time tax specified in the Second Schedule. The owner of such vehicle shall furnish "No Dues Certificate" issued by the Taxation Authority of that State :

Provided further that the maximum amount deductible under cause (i) or (ii) of the first proviso shall not in any case exceed fifty percent of the amount of life time tax specified in the Second Schedule :

Provided also that in case the tax in respect of motor vehicles referred to in the first proviso to sub-section (1) of Section 3 has already been paid prior to the commencement of this Act, the life time tax shall be levied after the expiry of the period for which the tax was so paid and such tax shall be paid within one month from the date of the expiry of the said period.

1. Inserted by M.P. Act No. 26 of 1991.

## **6. Bar Of Imposition Of Tax By Any Local Authority :-**

Notwithstanding anything contained in any other enactment for the time being in force no local authority shall, after the commencement of this Act, impose or enhance a tax, toll or licence fee in respect of a motor vehicle and if any local authority has imposed such tax, toll or licence fee since before the first day of April 1942 and the same is still in force at the commencement of this Act, any person who is liable to pay such tax, toll or licence fee to such authority shall be deemed to have paid it.

## **7. Grant To Local Authorities :-**

(1) The State Government shall at the close of each financial year make to every cantonment board, municipal committee and notified area committee which was imposing tax, toll or licence fee in respect of motor vehicle, before the 1st day of April, 1942 a grant of the same as was being paid to such board, committee immediately before the commencement of this Act:

Provided that no sum shall be payable to a Cantonment Board unless it agrees not to recover any tax, toll or licence fee in respect of motor vehicle.

(2) Any sum payable under sub-section (1) shall be charged on Consolidated Fund of the State.

## **8. Filing Of Declaration And Determination Of Tax Payable**

**:-**

1[(1) Every owner, who is liable to pay the tax under this Act shall file a declaration with the Taxation Authority together with the proof of the payment of the tax which he appears to be liable to pay in respect of such vehicle in such form and within such time as may be prescribed.

(2) When any motor vehicle in respect of which tax has been paid is altered in such a manner as to cause the vehicle to become a motor vehicle in respect of which higher rate of tax is payable, the owner of such vehicle shall file an additional declaration with the Taxation Authority together with the certificate of registration and the proof of the payment of difference of tax which the appears to be liable to pay in respect of such vehicle, in such form and within such time as may be prescribed.

(3) On receipt of the declaration under sub-section (1) or the additional declaration under sub-section (2) as the case may be, the Taxation Authority shall, after making such enquiry as it deems fit and after giving to the owner an opportunity of being heard, determine, by an order in writing, the tax payable by the owner and intimate the same to him in such form and within such time as may be prescribed.

(4) Where the owner fails to file a declaration required under sub-section (1) or (2) the Taxation Authority may, on the basis of information available with it and after giving to the owner an opportunity of being heard, by an order in writing, determine the amount of tax payable by such owner suo-motu and intimate the same to him in such form and within such time as may be prescribed.

(5) On determination of the tax payable under sub-section (3) or (4) as the case may be. by the Taxation Authority, the difference of the amount of tax payable and the amount of tax paid shall as the case may be, be paid by or refunded to the owner in a manner applicable to the payment or refund of tax under this Act and rules.

(6) Where the owner files a false declaration the taxation authority shall, after giving the owner an opportunity of being heard, by an order in writing, impose a penalty not exceeding twice the amount of tax determined under sub-section (3).

Explanation.--"Alteration in a motor vehicle" includes an acquisition, surrender or non-use of or any change in a permit by which the vehicle is covered.]

1. Substituted by M.P. Act No. 10 of 1993 (w.e.f. 10-10-1992).

## **9. Production Of Certificate Of Insurance Before The Taxation Authority :-**

Every owner shall, at the time of filing of declaration under Section 8, produce before the Taxation Authority a valid certificate of insurance in respect of the motor vehicle which complies with the requirements of Chapter XI of the Motor Vehicles Act, 1988 (No. 59 of 1988).

## **10. Manner Of Payment Of Tax :-**

Payment of every amount due under this Act, if it exceeds Rupees two hundred and fifty shall be made by production before the Taxation Authority, of a demand draft obtained from any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (No. 2 of 1934) to the value for which payment is required or in such other manner as may be prescribed.

## **11. General Exemption From Levy Of Tax :-**

(1) No tax shall be leviable on any motor vehicle used or kept for use by a Municipal Corporation, Municipal Council, Notified Area Committee, Cantonment Board or Special Area Development Authority, solely for the purpose of conservancy and fire extinguishing or as ambulance, and any motor vehicle owned by the State Government.

(2) No tax shall be leviable on any motor vehicle used or kept for use solely for the purpose of agriculture.

Explanation.--For the purpose of sub-section (2) Tractor-Trailer

combination belonging to a bona fide agriculturist used for transportation of--

(i) agricultural produce grown on the land cultivated personally; or  
(ii) any material required for the purpose of agriculture,  
between the land cultivated personally and his place of residence,  
go down or any market place of such agricultural produce or such  
material shall be deemed to be used solely for the purposes of  
agriculture but any other motor vehicle used for transporting  
agricultural produce shall not be deemed to be used solely for the  
purposes of agriculture.

Explanation (II).--For the purposes of explanation (I) the  
expressions "bona fide agriculturist" to cultivate personally" and  
"agriculture" shall have the meanings assigned to them in Madhya  
Pradesh Land Revenue Code, 1959 (No. 20 of 1959).

## **12. Grant Of Token :-**

(1) Where a tax in respect of a motor vehicle is paid by any person  
for a particular period or if no such tax is payable therefore, the  
Taxation Authority shall,--

(a) grant to such person a token in such form as may be prescribed  
to use the motor vehicle in the State during the said period; and

(b) record in the certificate of registration of motor vehicle that the  
tax has been paid or that no tax is payable, in respect of the motor  
vehicle for the said period :

Provided that where a life time tax is payable under this Act,  
payment of such tax by any person shall be recorded in the  
certificate of registration and no token shall be granted to such  
person.

(2) Every token granted under sub-section (1) shall be valid  
throughout the State.

(3) No motor vehicle shall be used in the State at any time unless a  
token permitting its use during such time has been obtained and  
displayed on the vehicle and whoever fails to do so shall be  
punishable with a fine which may extend to fifty rupees.

## **13. Penalty For Failure To Pay Tax :-**

1[If the tax due in respect of any motor vehicle has not been paid  
as specified in Section 5, the owner shall, in addition to the  
payment of tax due, be liable to a penalty at the rate of 4 per cent  
of the unpaid amount of tax for the default of each month or part  
thereof, the penalty shall not exceed twice the unpaid amount of



tax :

Provided that if the lifetime tax under this Act has not been paid, the owner shall, in addition to the payment of tax due, be liable to a penalty at the rate of one-tenth of the lifetime tax for the default of each year or part thereof but not exceeding the lifetime tax payable under the first proviso to sub-section (1) of Section 3.)

1. Substituted by M.P. Act No. 1 of 2005 (w.e.f. 5-1-2005).

#### **14. Refund Of Tax :-**

(1) Where--

(i) the tax for any motor vehicle has been paid for any 1[month, quarter, half year or year] and the motor vehicle has not been used during the whole of that 1[month, quarter, half year or year] or a continuous part thereof not being less than one month and written intimation of such non-use has been given in the prescribed form to the Taxation Authority in the manner prescribed prior to the commencement of the period of such non-use; or

(ii) the vehicle has been so altered as to entitle the owner to the refund of a portion of tax already paid, a refund of the tax shall be payable at such rates and subject to such condition as may be prescribed :

2[Provided that if for reasons to be prescribed by the State Government, it has not been possible to operate a public service vehicle covered by a regular permit on the route, the refund of tax may be made for a period less than a month to such extent and on such terms and conditions as may be prescribed.]

(2) Where the life time tax has been paid under the first proviso of sub-section (1) of Section 3 in respect of a motor vehicle specified therein, the owner shall be entitled to a refund of the balance amount of life time tax after deducting the amount of tax that would have been payable under First Schedule if he proves to the satisfaction of the Taxation Authority that such motor vehicle has been--

(a) permanently removed out of the State and it has been brought on the record of the Taxation Authority of any other State; or

(b) destroyed or rendered permanently incapable of use and its certificate of registration has been cancelled under the Motor Vehicles Act, 1988 and such motor vehicle has not been used in the State; or

(c) converted or used as a transport vehicle and the owner of such a motor vehicle has become liable to pay tax as applicable to such

transport vehicle under sub-section (1) of Section 3.

(3) If the refund entitled under sub-section (2) is not made within one month of making an application for refund along with the required proof, the owner shall be entitled to receive interest on the amount of refund at such rate as the State Government may from time to time, by notification, specify.

1. Substituted by M.P. Act No. 10 of 1993 (w.e.f. 10-10-1992).

2. Inserted by M.P. Act No. 26 of 1991.

### **15. Recovery Of Tax, Penalty With Interest :-**

(1) Where any owner fails to pay tax under this Act or the penalty or both the Taxation Authority shall serve on such owner a notice in the form prescribed for the sum payable to the State Government.

(2) Any, tax, penalty or interest under this Act may be recovered in the same manner as arrears of land revenue.

(3) The tax shall be the first charge on the vehicle in respect of which it is due as also on its accessories and such motor vehicle and the accessories thereof may be attached and sold for the recovery of tax, penalty or interest under the appropriate law relating to the recovery of land revenue.

### **16. Power Of Entry, Seizure And Detention Of Motor Vehicles In Case Of Non-Payment Of Tax :-**

(1) The Taxation Authority or any other officer, authorised by the State Government in this behalf, may at all reasonable time enter into and inspect any motor vehicle or premises where he has reason to believe that a motor vehicle is kept for the purpose of verifying whether the provisions of this Act or any rules made there under are being complied with :

Provided that no officer shall be authorised under this sub-section with respect to motor cycles and motor cars.

(2) Any person driving a motor vehicle in any public place shall, on being so required by the Taxation Authority or any officer authorised in this behalf by the State Government, produce--

(a) the certificate of registration;

(b) the token in evidence of the payment of tax; and

(c) the certificate of insurance relating to the use of the vehicle and shall keep such vehicle stationary for such time as may be required by such authority or officer to satisfy himself that the tax in respect of such motor vehicle has been paid :

Provided that in the case of a motor vehicle other than a transport

vehicle; the certificates so required shall be produced for inspection within such period and in such manner as may be prescribed under sub-section (4) of Section 130 of the Motor Vehicles Act, 1988.

(3) The Taxation Authority or any officer authorised by the State Government in this behalf may if it has reason to believe that a motor vehicle has been or is being used without payment of tax, penalty or interest due, seize and detain such motor vehicle and for this purpose take or cause to be taken any step as may be considered proper for the temporary safe custody of such motor vehicle and for the realisation of tax due.

1[(4) Where a motor vehicle has been seized and detained under sub-section (3), the owner or the person in charge of such vehicle may apply to the taxation Authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and if such authority or officer after verification of such documents, is satisfied that no amount of tax is due in respect of that vehicle, may be an order in writing release such vehicle.]

2[(5) Where a motor vehicle has been seized and detained under sub-section (3), the Court taking cognizance of the offence shall not release such vehicle.

(6) Subject to the provisions of sub-section (8), where, the taxation authority upon receipt of report about the seizure of the vehicle under sub-section (3) is satisfied that the owner has committed offence under Section 66 read with Section 192-A of the Motor Vehicle Act, 1988 of plying Vehicle without permit and he may by order in writing and for reasons to be recorded confiscate the vehicle seized under said sub-section. A copy of order of confiscation shall be forwarded without any undue delay to the Transport Commissioner.

(7) No order of confiscating any vehicle shall be made under sub-section (6) unless the Taxation Authority,--

(a) sends an intimation in the form prescribed about initiation of proceedings for confiscation of vehicle to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;

(b) issues a notice in writing to the person from whom the vehicle is seized and to the registered owner;

(c) affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation; and

(d) gives to the officer effecting the seizure and the person or

persons to whom notice has been issued under clause (b), a hearing on date to be fixed for such purpose.

(8) No order of confiscation, under sub-section (6), of any vehicle shall be made if any person referred to in clause (b) of sub-section (7) proves to the satisfaction of the Taxation Authority that such vehicle was used under valid documents required under the Act.]

1. Inserted by M.P. Act No. 10 of 1993 (w.e.f. 10-10-1992).

2. Inserted by M.P. Act No. 27 of 1999 (w.e.f. 15-2-2000).

### **17. General Provisions Of Punishment For Offence :-**

Whoever, contravenes any provision of this Act, or of any rules made there under shall, be punishable for the first offence with fine which may extend to one hundred rupees and for any second or subsequent offence with fine which may extend to three hundred rupees.

### **18. Officers To Be Public Servants :-**

All officers acting under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

### **19. Bar Of Suit Or Other Proceedings :-**

No suit or other proceedings shall lie in a Civil Court in regard to any matter for which provision is made in this Act or the rules made there under and no prosecution, suit or other proceedings shall lie against any public servant for anything done or intended to be done in good faith under this Act or any rule made there under.

### **20. Appeal :-**

Any person,--

(a) aggrieved by an order made for levy of tax or for penalty imposed under Section 13, or

(b) aggrieved by the seizure of motor vehicle made under Section 16, or

(c) aggrieved by any order passed under this Act, may, within the prescribed time and in the prescribed manner appeal to the prescribed authority, who shall, after giving such person and the Taxation Authority an opportunity of being heard, dispose of the said appeal and the decision thereon shall be final :

Provided that no appeal shall be entertained unless the amount of

tax and penalty levied, in respect of which the appeal has been preferred has been paid.

### **20A. Appeal Against Order Of Confiscation :-**

1[(1) Any person aggrieved by an order of confiscation may, within thirty days of the order or if fact of such order has not been communicated to him, within thirty days of the date of knowledge of such order; prefer an appeal in writing accompanied by such fee and payable in such form as may be prescribed, and by certified copy of order of confiscation to the Appellate Authority.

Explanation.--The time requisite for obtaining certified copy of order of confiscation shall be excluded while computing period of thirty days referred to in the sub-section.

(2) The Appellate Authority shall send intimation in writing of lodging of appeal to the Taxation Authority.

(3) The appellate authority may pass such order of interim nature for custody, or disposal if necessary of the confiscated vehicle as may appear to be just in the circumstances of the Case.

(4) On the date fixed for hearing of the appeal or on such date to which the hearing may be adjourned, the appellate authority shall peruse the record and hear the parties to the appeal if present in person, or through a legal practitioner and shall thereafter proceed to pass as order of confirmation, reversal or modification of the order of confiscation.

(5) The appellate authority may also pass such orders of consequential nature, as it may deem necessary.

(6) Copy of final order or of order of consequential nature, shall be sent to the Taxation Authority for compliance.

1. Inserted by M.P. Act No. 27 of 1999 (w.e.f. 15-3-2000).

### **20B. Revision Before Court Of Session Against Order Of Appellate Authority :-**

(1) If the owner of a vehicle aggrieved by final order or by order of consequential nature passed by the Appellate Authority in respect of confiscated vehicle, he may within thirty days of the order sought to be impugned, submit a petition for revision to the Court of Session only on a point of law within the Session division where the headquarters of the Appellate Authority are situate.

Explanation.--In computing the period of thirty days under this sub-section, the time requisite for obtaining certified copy of order of Appellate Authority shall be excluded.

(2) The Court of Session may confirm, reverse or modify any final order or an order of consequential nature passed by the Appellate Authority.

(3) Copies of the order passed in revision shall be sent to the Appellate Authority and to the Taxation Authority for compliance or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Court of Session shall, as far as may be, exercise the same powers and follow the same procedure as prescribed for hearing and deciding a revision under the Code of Criminal Procedure, 1973 (No. 2 of 1974).

### **20C. Bar To Jurisdiction Of Court Etc. Under Certain Circumstances :-**

Notwithstanding anything to the contrary contained in this Act or any law for the time being in force but subject to the provisions of sub-section (3) of Section 20-A,

no Court, Tribunal or Authority (other than the Taxation Authority) shall have jurisdiction to make order with regard to possession, delivery or disposal of vehicle regarding which proceedings for confiscation are initiated under sub-section (6) of Section 16.

## **21. Power Of State Government To Exempt From Tax :-**

1[(1) The State Government may, by notification, and subject to such restrictions and conditions as may be specified therein exempt in whole or in part any motor vehicles or class of motor vehicles from the payment of tax, penalty and interest from such date as may be specified in the notification.]

(2) Any notification issued under this section may be rescinded at any time and on such rescission the notification shall cease to be in force. A notification rescinding an earlier notification shall have prospective effect.

(3) Every notification issued under sub-section (1) shall be laid on the table of the Legislative Assembly and the provisions of Section 24-A of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958) shall apply thereto as they apply to a rule.

1. Substituted by M.P. Act No. 2 of 2003.

## **22. Maintenance Of Demand And Recovery Register Of Tax :-**

Each taxation Authority shall maintain such registers and records as may be prescribed.

## **23. Power To Amend The Schedule :-**

1[(1) The State Government may, by notification, amend the items and rates of tax specified in the Schedules and thereupon the said Schedules shall stand amended accordingly :

Provided that no notification shall be issued under this sub-section without giving in the Official Gazette such previous notice as the State Government may consider reasonable of its intention to issue such notification.]

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid on the table of the Legislative Assembly and the provisions of Section 24-A of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958) shall apply thereto as they apply to a rule.

1. Substituted by M.P. Act No. 1 of 2005 (w.e.f. 5-1-2005).

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

(1) The Government may make rules for the purposes of carrying into effect the provisions of this Act.

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

1[(a) the form of declaration and the time within which declaration shall be filed under sub-section (1) or (2) of Section 8 and the form in which and the time within which the intimation of determination of tax shall be given under sub-section (3) or (4) of Section 8;]

(b) the manner in which the payment of tax shall be made under Section 10;

(c) the form of token which shall be granted under clause (a) of sub-section (1) of Section 12;

(d) 2[xxx]

(e) 3[xxx]

(f) the form and manner in which, the rates at which the conditions subject to which the refund shall be made under sub-section (1) and the rate of interest payable under sub-section (3) of Section 14;

(g) the form in which the notice shall be served under sub-section (1) of Section 15;

4[(g-i) the form of intimation to the Magistrate under clause (a) of sub-section (7) of Section 16;]

(h) the time within which, the manner in which and the authority to which appeal may be preferred under Section 20;

(i) the manner in which the register shall be maintained under Section 22;

(j) any other matter which is to be or may be prescribed.

1. Substituted by M.P. Act No. 10 of 1993 (w.e.f. 10-10-1992).

2. Omitted by M.P. Act No. 2 of 2003.

3. Omitted by Ibid.

4. Inserted by M.P. Act No. 27 of 1999.

## **25. Power To Remove Difficulties :-**

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall as soon as may be

after it is made, be laid on the table of the Legislative Assembly.

## **26. Repeal And Savings :-**

(1) The Madhya Pradesh Motor Vehicles Taxation Act, 1947 (No. VI of 1947) and the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962 (No. 19 of 1962) (hereinafter in this section referred to as the repealed enactments) are hereby repealed.

(2) Notwithstanding the repeal of the Acts specified in sub-section (1) any notification, rule, order notice, certificate or token issued, of any appointment or declaration made or exemption granted or any forfeiture cancellation or any other thing done, or any other action taken under the repealed enactments, in force immediately before such commencement shall, as far as it is not inconsistent with the provisions of this Act be deemed to have been issued, made, granted, done or taken under the corresponding provisions of this Act.

### **SCHEDULE 1**

#### **FIRST SCHEDULE**

(See sub-section (1) of Section 3)

Class of Motor Vehicle Rate of Quarterly tax for Motor Vehicles

(1) (2)

I. MOTOR CYCLE: Rs.

the unladen weight of which--

(a) does not exceed 70 kilograms 18.00

(b) exceeds 70 kilograms whether used for drawing a trailer or not 28.00

II. MOTOR CAR:

the unladen weight of which--

(a) does not exceed 800 kgs. 64.00

(b) exceeds 800 kgs. but does not exceed 1600 kgs. 94.00

(c) exceeds 1600 kgs. but does not exceed 2400 kgs. 112.00

(d) exceeds 2400 kgs. but does not exceed 3200 kgs. 132.00

(e) exceeds 3200 kgs. 150.00

Tax for each trailer the unladen weight of which--(a) does not exceed 1000 kgs. 28.00

(b) exceeds 1000 kgs. 66.00

III. INVALID CARRIAGE : 9.00

(1) (2)

IV. PUBLIC SERVICE VEHICLE :--

Motor vehicle plying for hire or reward and passengers-- used for transport of [Per seat]

1[(a) Vehicle permitted to carry not more than three passengers (Motorcycle/Auto Rickshaw); Rs. 40.00 per seat per quarter.

2[(b) Vehicle permitted to carry more than 3 passengers but not more than 6 passengers (excluding driver); Rs. 150 per seat per quarter or life time tax at the rate of--

(i) 7 per cent of the cost of the new vehicle,



(ii) 2 per cent of the cost of the other vehicle on which life time tax has already been paid.]

(c) Vehicle permitted to carry more than six passengers and plying as Stage Carriage/ Contract Carriage on city routes/on adjacent areas as notified by the State Government--

(i) in respect of vehicle permitted to ply as Express Service, for every passenger which the vehicle is permitted to carry; Rs. 80.00 per seat per quarter.

(ii) in respect of vehicle permitted to ply as ordinary service, for every passenger which the vehicle is permitted to carry; Rs. 60.00 per seat per quarter;]

3[(d) Vehicles permitted to carry more than six passengers plying as stage carriage on routes other than city routes--

(1) In respect of Vehicles permitted to ply as air conditioned service or deluxe or express service for every passenger which the vehicle is permitted to carry and where the total distance permitted to be covered by the service in a day--

(1) (2)

(i) does not exceed 100 kms.

(a) for air-conditioned/deluxe service Rs. 4[250] per seat per month

(b) for express service Rs. 4[200] per seat per month

(ii) thereafter for each 10 kms. or part thereof--

(a) for air conditioned/deluxe service Rs. 20 per seat per month

(b) for express service Rs. 15 per seat per month

(2) In respect of vehicles permitted to ply as ordinary service for every passenger which the vehicle is permitted to carry and where the total distance permitted to be covered by a vehicle in a day--

(i) does not exceed 5[100] kms. 5[Rs. 160] per seat per month

(ii) thereafter for each 10 kms. Rs. 10 per seat per month

(3) In respect of vehicles of other State permitted to ply as air conditioned service/deluxe or express services for every passenger which the vehicle is permitted to carry and where the permit countersigned--

(i) under the reciprocal agreement

(a) for air-conditioned/deluxe service Rs. 20 for each 10 kms. or part thereof per seat per month.

(b) for express service Rs. 15 for each 10 kms. or part thereof per seat per month.

(ii) without a reciprocal agreement--

(a) for air-conditioned/deluxe service Rs. 5[40 per seat per month] plus Rs. 20 for each 10 kms. or part thereof per seat per month.

(b) for express service Rs. 4[40 per seat per month] plus Rs. 15 for each 10 kms. or part thereof per seat per month.

(4) In respect of Vehicles of other State permitted to ply as ordinary service for every passenger which the vehicle is permitted to carry and where the permit is countersigned--

(i) Under a Reciprocal Agreement Rs. 10 per each 10 kms. or part thereof per seat per month

(ii) Without a Reciprocal agreement 5[Rs. 40] per seat per month plus Rs. 10 for each 10 kms. or part thereof per seat per month.

5[(e) Vehicle permitted to carry more than six passengers and kept as:--

(1) Reserve Stage Carriage :--

(i) for Ordinary Bus Rs. 160.00 per Seat per Month.

(ii) for Express Bus Rs. 180.00 per Seat per Month.

(iii) for Air Conditioned Deluxe Bus Rs. 230.00 per Seat per Month.

6[(iv) for sleeper bus/coach Rs. 230.00 per seat per month.]

(2) Omni bus (used) as Transport vehicle/passenger transport vehicle ;--

(i) for Ordinary Bus Rs. 160.00 per Seat per Month.

(ii) for Express Bus Rs. 180.00 per Seat per Month.

(iii) for Air Conditioned Deluxe Bus Rs. 230.00 per Seat per Month.]

6[(iv) for sleeper bus/coach Rs. 230.00 per seat per month.]

(1) Contract carriage--

2[(1) Vehicles permitted to carry more than six passengers and plying as contract carriage covered by All India Tourist Permit issued by the Madhya Pradesh State under sub-section (9) of Section 88 of the Motor Vehicles Act, 1988,--

(a) for maxicab vehicle having seating capacity exceeding 6 and up to 12 (excluding driver)-- Rs. 150 per seat per month or life time tax at the rate of--

(i) 10 per cent of the cost of the new vehicle;

(ii) 5 per cent of the cost of the other vehicles of which life time tax has already been paid;

(b) for vehicles having more than 12 seats (excluding driver) Rs. 800 per seat per month.]

7[(2) Vehicle permitted to carry more than six passengers and plying within the State as contract Carriage for each seat (excluding the driver) which the vehicle is permitted to carry--

(i) for maxicab Vehicle having seating capacity exceeding 6 and up to 12 (excluding driver) 5[Rs. 300/- per seat per quarter]

(ii) for Vehicle having more than 12 seats (excluding driver)--

(a) for ordinary bus Rs. 500.00 per seat per month.

(b) for Air Conditioned Bus/Deluxe Bus Rs. 600.00 per seat per month.

8[(3) Vehicle permitted to carry more than 6 passengers and plying as contract carriage covered by All India Tourist Permit issued by other State under sub-section (9) of Section 88 of the Motor Vehicles Act, 1988, for each seat (other than the driver) which the vehicle is permitted to carry, till the vehicle remains in the Madhya Pradesh,--

(i) for air-conditioned vehicle Rs. 50 per seat per day;

(ii) for non air-conditioned vehicle Rs. 40 per seat per day.]

8 [(4) Vehicle permitted to carry more than 6 passengers and plying as contract carriage on special permit granted under sub-section (8) of Section 88 of the Motor Vehicles Act, 1988 by the other States for each seat (other than the driver) which the vehicle is permitted to carry, till the vehicle remains in the Madhya Pradesh,--

(1) (2)

(i) for air-conditioned vehicle Rs. 50 per seat per day;

(ii) for non air-conditioned vehicle Rs. 40 per seat per day.]

(5) Vehicles permitted to carry more than six passengers and plying as contract carriage on special permit granted under sub-section (8) of Section 88 of the Motor Vehicles Act, 1988 for each seat (other than the driver which the vehicle is permitted to carry). 5[50 paise]] for ordinary bus and 6[one rupee] for deluxe/air conditioned bus per seat per 10 kms. or part thereof for the entire distance to be covered in accordance with the conditions of the permit in addition to tax paid under clause (c), (d), (e) or (f) (2) as the case may be.

(6) Vehicles permitted to carry more than six passengers and plying as contract carriage on temporary permit granted under clause (a) of sub-section (1) of Section 87 of the Motor Vehicles Act, 1988 for each seat (other than the driver which the vehicle is permitted to carry). 4[50 paise] for ordinary bus and 4[one rupee] for deluxe/ air-conditioned bus per seat per 10 kms. or part thereof for the entire distance to be covered in accordance with the conditions of the permit, in

addition to tax paid under clause (c), (d), (e) or (f) (2) as the case may be.]

7[(7) Vehicle permitted to carry more than six passengers and plying as contract carriage on a temporary permit granted under clause (a) of sub-section (1) of Section 87 of the Motor Vehicles Act, 1988 by the other State for each seat (excluding driver) which the vehicle is permitted to carry--

(i) for ordinary bus In addition to the Tax payable under sub-item (e) Rs. 7.00 per seat per day;

(ii) for Air Conditioned/Deluxe bus In addition to the Tax payable under sub-item (e) Rs. 10.00 per seat per day.]

8[(g) Motor Vehicle plying without permit;

(a) Vehicle permitted to carry up to 12 passengers (excluding driver) Rs. 1000.00 per seat per month in accordance with the entire registered seating capacity.

(b) Vehicle permitted to carry more than 12 passengers (excluding driver) Rs. 1500.00 per seat per month in accordance with the entire registered seating capacity.]

Explanation (1). --The number of passengers which a vehicle is permitted to carry shall not include the driver and conductor of such vehicle and shall--

(i) in the case of a motor vehicle in respect of which a permit is granted under the Motor Vehicles Act, 1988 be the number of passengers which the motor vehicles is authorised to carry by the permit, and

(ii) in the case of a motor vehicle plying for hire or reward without permit granted under the Motor Vehicles Act, 1988 be the maximum number of persons or passengers which the vehicle may be permitted to carry, if a permit was granted under the aforesaid Act:

Provided that in the case of a motor cab or motor-car misused as a stage carriage be the number of persons or passengers actually carried at the time of such misuse.

Explanation (2).--For the purpose of item c (i) and d (i), an express service shall mean a service which is permitted to ply by the Transport Authority.

Explanation (3).--The distance permitted to be covered by a vehicle in a day in respect of which a permit is granted under the Motor Vehicles Act, 1988 be the distance authorised to be covered 9[according to the permit in Madhya Pradesh.]

Explanation (4).--Where in pursuance of any agreement between the Government of Madhya Pradesh and the Government of any State, tax in respect of any stage carriage, plying on a route lying partly in the State of Madhya Pradesh and partly in other State is payable to the Government of Madhya Pradesh only, the tax in respect of such vehicle shall be calculated on the total distance covered by the stage carriage on such route in the State of Madhya Pradesh.

Explanation (5).--Where a conductor is exempted to be carried in a stage carriage for the words "driver and conductor" occurring in explanation (1), shall be construed as driver only.

10[Explanation (6).--For the purpose of clause (e), the number of reserve stage carriages/spare buses of a holder of service of stage carriages permit shall be the difference between the total number of vehicles owned and the total number of vehicles required as per conditions of permit held by him.

Explanation (7).--The words "plying without permit" in clause (g) shall include plying of a public service vehicle on an authorised route or making a trip not authorised by a permit granted under the Motor Vehicles Act, 1988 but shall not include the plying of a public service vehicle under circumstances laid down in 11[x x] sub-section (3) of Section 66 of the Motor Vehicles Act, 1988.

Explanation (8).--The tax leviable under clause (g) shall be paid--

(i) Whether the owner of such motor vehicle is prosecuted or not, and

(ii) Whether the criminal proceeding have been concluded or not, where a challan for plying the motor vehicle without permit or on an unauthorised route or for making an unauthorised trip is filed.]

12[Explanation (9).--The tax payable by the holder of service of stage carriages permit in respect of buses authorised to ply on such permit shall be calculated on the basis of average seating capacity of such buses,--

(i) under sub-item (d) of such number of buses as is required for plying on any day to maintain service on all the routes covered by the permits held, and

(ii) under sub-item (e) for the remaining number of buses.]

#### V. GOODS CARRIAGE:

8[(a) The registered laden weight of which--

(i) does not exceed 2000 Kgs. Rs. 600.00 per quarter.

(ii) Exceeds 2000 Kgs. but does not exceed 4000 kgs. Rs. 900.00 per quarter.

(iii) Exceeds 4000 Kgs. but does not exceed 6000 kgs. Rs. 1300.00 per quarter.

(iv) Exceeds 6000 Kgs. but does not exceed 8000 kgs. Rs. 1700.00 per quarter.

(v) Exceeds 8000 Kgs. but does not exceed 10000 kgs. Rs. 2100.00 per quarter.

(vi) Exceeds 10000 Kgs. but does not exceed 12000 kgs. Rs. 2500.00 per quarter.

(vii) Exceeds 12000 Kgs. but does not exceed 14000 kgs. Rs. 2900.00 per quarter.

(viii) Exceeds 14000 Kgs. but does not exceed 16000 kgs. Rs. 3300.00 per quarter.

(ix) Exceeds 16000 Kgs. but does not exceed 18000 kgs. Rs. 3700.00 per quarter.

(x) and thereafter for each additional 2000 kgs. or part thereof Rs. 500.00 per quarter.]

(b) In respect of goods carriages covered by the National Permit granted under sub-section (12) of Section 88 of the Motor Vehicles Act, 1988 by the other State the tax shall be 13[Rs. 5000] per vehicle per year.

(c) In respect of goods carriages belonging to other State, plying on the strength of permit issued by the other State and countersigned by the State of Madhya Pradesh the tax shall be paid at the rate of 13[eighty-five per cent], specified in sub-clause (a) of clause V.

(d) In respect of goods carriage of other State plying in the State of Madhya Pradesh under temporary permit for a period not exceeding one month the rate of tax shall be 1/3 of the tax payable for a quarter as specified in sub-clause (a) of clause V.

14[7[VI. OMNI BUS FOR PRIVATE USE]--

For every seat of the motor vehicle with seating capacity of more than six (excluding driver) and used for transport of persons, the registered seating capacity of which is--

(a) up to 12 (excluding driver) Rs. 100.00 per seat per quarter;

(b) For more than 12 seats (excluding driver) Rs. 350.00 per seat per quarter.]

14[VII. PRIVATE SERVICE VEHICLES--

Private service vehicle with a seating capacity of more than six persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for or in connection with his trade or business otherwise than for hire or reward :

5[(i) Where the vehicle is registered in the name of owner. Rs. 450/- per Seat per Quarter.

(ii) Where the vehicle is acquired by the owner on hire under a lease agreement. Rs. 600A per Seat per Quarter.]

#### VIII. EDUCATIONAL INSTITUTION BUS :

Educational Institution Bus with a seating capacity of more than six persons excluding the driver.

Ordinary used by or on behalf of a college, school or other educational institution

and used solely for the purpose of transporting students of staff of the educational institution in connection with any of its activities. Rs. 30.00 per seat.

14[IX. ALL OTHER MOTOR VEHICLES NOT INCLUDED IN ANY OF THE CLASS OF VEHICLES SPECIFIED IN THIS SCHEDULE

The unladen weight of which--

(i) does not exceed 1000 Kgs. Rs. 152.00 per quarter.

(ii) Exceeds 1000 Kgs. but does not exceed 2000 Kgs. Rs. 200.00 per quarter.

(iii) Exceeds 2000 Kgs. but does not exceed 3000 Kgs. Rs. 290.00 per quarter.

(iv) Exceeds 3000 Kgs. but does not exceed 4000 Kgs. Rs. 382.00 per quarter.

(v) Exceeds 4000 Kgs. but does not exceed 5000 Kgs. Rs. 527.00 per quarter.

(vi) Exceeds 5000 Kgs. but does not exceed 6000 Kgs. Rs. 690.00 per quarter.

(vii) Exceeds 6000 Kgs. but does not exceed 7000 Kgs. Rs. 871.00 per quarter.

(viii) and thereafter for each additional 1000 Kgs. or part thereof Rs. 254.00 per quarter.

(ix) Tax for each trailer per quarter. Rs. 73.00 per quarter.

Note.--(1) The rates of tax specified in this Schedule are applicable to motor vehicles of respective class where fitted with pneumatic tyres.

(2) The rate of tax in respect of a motor vehicle fitted with non-pneumatic tyres shall be one and half times the rates specified for a similar class of vehicle fitted with pneumatic tyres.]

1. Substituted by M.P. Act No. 11 of 1997.

2. Substituted by M.P. Act No. 6 of 2006.

3. Substituted by M.P. Act No. 13 of 1995 (w.e.f. 10-5-1995).

4. Substituted by M.P. Act No. 9 of 2001.

5. Substituted by M.P. Act No. 15 of 2000.

6. Inserted by M.P. Act No. 1 of 2005 (w.e.f. 5-1-2005).

7. Substituted by M.P. Act No. 23 of 1998 (w.e.f. 1-9-1998).

8. Substituted by M.P. Act No. 1 of 2005 (w.e.f. 5-1-2005).

9. Substituted by M.P. Act No. 26 of 1991.

10. Inserted by M.P. Act No. 26 of 1991.

11. Omitted by M.P. Act No. 10 of 1993 (w.e.f. 10-10-1992).

12. Inserted by M.P. Act No. 10 of 1993 (w.e.f. 10-10-1992).

13. Substituted by M.P. Act No. 13, of 1993.

14. Substituted by MP. Act No. 11 of 1997 (w.e.f. 1-4-1997).

## SCHEDULE 2

### SECOND SCHEDULE

(See First proviso to sub-section (1) of Section 3)

Description of Motor Vehicles Rate of Life Time Tax

(1) (2)

1[1. MOTOR CYCLES WITH OR WITHOUT ATTACHMENT--

The unladen weight of which--

(i) does not exceed 70 kgs. 2[5%] of the cost of vehicle;

(ii) exceeds 70 kgs. 2[5%] of the cost of vehicle;

2. MOTOR CARS.--

The unladen weight of which--

(i) does not exceed 800 Kgs. 2[5%] of the cost of vehicle;

(ii) exceeds 800 kgs but does not exceed 1600 kgs. 2[5%] of the cost of vehicle;

(iii) exceeds 1600 kgs. but does not exceed 2400 kgs. 2[5%] of the cost of vehicle;

(iv) exceeds 2400 kgs. but does not exceed 3200 kgs. 2[5%] of the cost of vehicle;

(v) exceeds 3200 kgs. 2[5%] of the cost of vehicle;

Explanation.--(1) Cost of the vehicle means cost realised by the dealer.

(2) For calculating the Life Time Tax on the basis of cost of the above class of vehicles, the owner of the vehicle shall be required to produce sale receipt issued by the dealer at the time of registration.]

2[3. [Omni Bus registered for private use having seating capacity exceeding 6 and up to 12 (excluding driver) 7 percent of the cost of vehicle.]

3[4. Invalid Carriage 360.]

4[5. Auto-Rikshaw having seating Capacity up to 3 + 1 6% of Market Cost.]

5[6. Crane, crusher, bulldozer, 7[x x x] loader truck, earth mover/pay loader, motor grader and mechanical shovel. 6% of the cost of vehicle.]

8[7. Goods vehicle, the registered laden weight of which is 2000 Kgs. or less Life Time Tax 10 percent of the cost of the vehicle.

9. Dumper truck Life time tax at the rate of 10 percent of the cost of the vehicle.]

1. Substituted by M.P. Act No. 11 of 1997 (w.e.f. 1-4-1997).

2. Substituted by M.P. Act No. 9 of 2001.

3. Substituted by M.P. Act No. 6 of 2006.

4. Substituted by M.P. Act No. 23 of 1998 (w.e.f. 1-9-1998).

5. Inserted by M.P. Act No. 9 of 2001.

6. Inserted by M.P. Act No. 1 of 2005 (w.e.f. 5-1-2005).

7. Omitted by M.P. Act No. 6 of 2006.

8. Inserted by M.P. Act No. 6 of 2006.

### SCHEDULE 3

#### THIRD SCHEDULE

(See Section 4)

Sl. No. Description of vehicles Annual Tax for first seven or less vehicles in possession of a manufacturer or dealer Annual Tax for additional 7 or less vehicles in possession of a manufacturer or dealer.

(1) (2) (3) (4)

1. Motor Cycles Rs. 400.00 Rs. 400.00

2. Chassis of heavy motor vehicles Rs. 600.00 Rs. 600.00

3. Other Vehicles. Rs. 500.00 Rs. 500.00