

Orissa Transport Vehicles (Levy Of Toll) Act, 1992

13 of 1992

[20 March 1993]

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AN ACT TO PROVIDE FOR THE LEVY OF TOLL ON CERTAIN MOTOR VEHICLES ENTERING INTO THE STATE OF ORISSA AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO Be it enacted by the Legislature of the State of Orissa in the Forty-third Year of the Republic of India, as follows:

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Orissa Transport Vehicles (Levy of Toll) Act, 1992.
- (2) It extends to the whole of the State of Orissa.
- (3) It shall come into force on such date [The Act came into force from 1.4.1992 vide Orissa Gazette Ext.No.-464/31.3.1992] as the State Government may, by Notification, appoint.

2. Definitions :-

In this Act unless the context otherwise required,-

- (a) "barrier" means a barrier established under Section 4 and includes a check post or a barrier established or set up under the Orissa Sales Tax Act, 14 of 1947;
- (b) "day" means a period from 120 clock mid-night to the 12 O clock mid-night next;
- (c) "operator" means any person whose name is entered in the permit in respect of a transport Vehicle as that holder thereof any includes any person for the time bring incharge of such Vehicle;
- (d) "prescribed" means prescribed by Rules;
- (e) "Rules" means Rules made under this Act;
- (f) "Regional Transport Officer" means an officer appointed as such under the Rules made by the State Government under the Motor Vehicles Act, 59 of 1988;
- (g) "toll" means the toll levied under Section 3;
- (h) "Toll Tax Officer" means any officer as the State Government may, by Notification appoint to be the Toll Tax Officer for the whole of Orissa or any area or areas thereof for the purposes of this Act and includes a taxing officer under the Orissa Motor Vehicles Taxation Act, 39 of 1975;
- (i) "transport vehicle" means a state carriage, a contract carriage or a goods carriage;
- (j) words and expressions used and not defined in this Act but defined in the Motor Vehicles Act, 59 of 1988 shall have the meanings as respectively assigned to them in that Act.

3. Levy Of Toll :-

(1) There shall be levied a toll on every transport vehicle registered in any State other than Orissa, which enters into Orissa, at such rate not exceeding one hundred fifty 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 a vehicles no toll shall be levied for any subsequent entry of the vehicle on the same day.

(2) The toll shall be paid by the operator of the transport vehicle.

4. Establishment Of Barriers :-

For the purpose of collection of toll, the State Government may, by Notification, establish barriers at such places on or near the

boundary of the State as may be specified in the Notification.

5. Prohibition Of Entry Without Paying Toll :-

No transport vehicle liable to pay toll under Section 3 shall be entered into or plied in the State unless the toll has been paid, and the Toll Tax Officer or any officer of the Orissa Motor Vehicles Department shall have the power to prevent the entry or plying of such vehicle made 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 authorized by him in this behalf or any Officer of the Orissa Motor Vehicle Department, the driver of a 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 any such Officer or the person so authorized, 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 authorized by him under Sub-section (1) or any Officer of the Orissa Motor Vehicles Department has reason to believe

(a) that the toll has not been paid; or .

(b) that any breach of the provisions of this Act has been committed. he may detain the vehicle or any part of accessory thereof, sufficient in his opinion for realization of the toll or, as the case may be, the maximum amount of penalty, livable under Section 7 for such commitment, until the toll or as the case may be, the penalty is paid or, for the penalty, cash security equivalent thereto 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 or any part or accessory thereof so detained or the security, so deposited shall be dealt with in 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, 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 made under Section 7 or any order of detention of any transport vehicle or any part or accessory thereof made under Section 6, may, within thirty days from the date of communication of such order to him, prefer to an appeal 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 :-

(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 Payment :-

Notwithstanding anything contained in the foregoing provisions of this Act, on application being made to that effect by an operator, a Regional Transport Officer may accept a lump sum in lieu of the amount of toll that may be payable in respect of a transport vehicle for a period of one month or a number of consecutive months, to be paid in advance at such rate as may be prescribed:

Provided that any change in the rate of toll which may come into force after the date of such lump sum payment in advance shall have the effect of making a proportionate change in the lump sum amount paid in relation to the part of the period 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 transport vehicle or class of transport vehicles 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 Or Action Taken In Good Faith :-

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.

14. Powers To Make Rules :-

(1) The State Government may after previous publication make Rules for carrying out 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:

(i) the manner of dealing with the vehicle or the part or accessory thereof 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.