

Haryana Motor Transport Vehicles (Toll) Act, 1991

7 of 1991

[23 April 1991]

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AN ACT To provide for the levy of toll (path-kar) on certain motor vehicles entering the limits of the State of Haryana and for the matters incidental thereto and connected therewith. Be it enacted by the Legislature of the State of Haryana in the Forty-second Year of the Republic of India as follows:-

1. Short Title And Extent :-

(1) This Act may be called the Haryana Motor Transport Vehicles (Toll) Act, 1991.

(2) It shall extend to the whole of the State of Haryana.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "barrier" means a barrier established under section 4;
- (b) "motor transport vehicle" means a stage carriage or a goods vehicle or a public service vehicle or a contract carriage vehicle;
- (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 incharge of the vehicle;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "stage carriage" shall have the meaning assigned to it in the Motor Vehicles Act, 1988;
- (f) "toll" means the toll (path-kar) levied under section 3;
- (g) "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 the State of Haryana or for any area or areas thereof for the purposes of this Act; and
- (h) words and expressions used and not defined in this Act but defined in the Motor Vehicles Act, 1988, shall have the respective meanings assigned to them in that Act.

3. Levy Of Toll :-

- (1) There shall be levied and paid to the State Government a toll on every motor transport vehicle playing under a permit granted under the Motor Vehicles Act, 1988, by an authority having jurisdiction outside the State of Haryana, entering the limits of the State of Haryana, at such rate not exceeding two hundred rupees per vehicle as the State Government may, by notification, specify:
- (2) The toll shall be paid by the operator of the motor transport vehicle.

4. Establishment Of Barriers :-

For the purposes of collection of the toll, the State Government shall, by notification, establish barriers at such places on the state boundary 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 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 playing of such vehicle in contravention of these provisions.

6. Power To Stop And Seize :-

(1) When so required by the Toll Tax Officer or any other person authorized by him in this barrier or any other place within the State and keep it stationery for a reasonable period in order to enable the Toll Tax Officer or the person 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) has reason to believe, after giving the driver of the vehicle a reasonable opportunity of being heard:-

(a) that the toll has not been paid he may detain the vehicle or any part or accessory thereof sufficient in his opinion for realization 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 realization of the maximum amount of penalty livable under section 7, until cash security equivalent to such amount is furnished.

(3) The things so detained or the security so deposited shall be delt with in such manner as may be prescribed.

7. Penalty And Appeal :-

(1) If the Toll Tax Officer is satisfied after making such inquiry, as he may deem necessary, that any person has committed a breach of any of the provisions of this Act, or the rules made there under, 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 five hundred rupees:

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

(2) Any person aggrieved by an order under sub-section (1) 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.

8. Manner Of Levy Payment And Collection Of Toll Etc. :-

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 realized as arrears of land revenue.

9. Lump Sum Agreement :-

Notwithstanding anything contained elsewhere in this Act, the State Government or any officer authorized 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.

10. Power Of State Government To Exempt From Toll :-

The State Government may, by notification, subject to such conditions, if any, and for such period, as may be specified in the notification, exempt any motor transport vehicle or any class of motor transport vehicles from the levy and payment of toll either wholly or partially.

11. Reciprocal Agreement :-

Notwithstanding anything contained elsewhere 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, or Union 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.

12. Protection Of Action Taken In Good Faith :-

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

13. Power To Make Rules :-

This State Government may, by notification, make rules for carrying out the purposes of this Act.

14. Repeal :-

The Haryana Motor Transport Vehicles (Toll) Ordinance, 1990 (Haryana Ordinance No. 5 of 1990), is hereby repealed.