

BIHAR MOTOR TRANSPORT VEHICLES TOLL RULES, 1992.

G.S.R. 37, dated 12th November, 1992.—In exercise of the powers conferred by Section 11 of Bihar Motor Transport Vehicle Toll Act, 1992 the Governor of Bihar is pleased to make the following Rules, namely :

1. Short title and commencement.—(1) These rules may be called the Bihar Motor Transport Vehicles Toll Rules, 1992.

(2) They shall come into force on such date as the State Government may by notification appoints.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) “Act” means the Bihar Motor Transport Vehicles Toll Act, 1992.

(b) “Form” means the form appended to these rules.

(c) “Section” means a section of the Act.

- (d) All other words and expressions used but not defined in these rules, unless context otherwise requires, shall have the same meaning as assigned to them in the Act.

3. Manner of levy, payment and collection of Tolls.—(1) The driver/owner/incharge of the transport vehicle shall pay the toll prescribed by the State Government from time to time either in cash or by Bank draft to the Toll Tax Officer or the person authorised by him or the person authorised by the State Transport Commissioner either at the barrier or at the place notified for this purpose. The Toll Tax Officer or the person authorised by him or the person authorised by the State Transport Commissioner shall issue a receipt in form I for the amount paid. This receipt shall be kept by the driver with the vehicle and shall be produced before any Toll Tax Officer or an Officer authorised in this behalf by Toll Tax Officer or the State Transport Commissioner on demand.

(2) In case of the Toll Tax Officer or any other Officer of the Transport Department authorised by the State Transport Commissioner has reason to believe that a transport vehicle has entered the territorial limits of Bihar without payment of toll due he may at any time, after giving the due opportunity to the driver or owner or person incharge of the transport vehicle for making representation, levy toll and penalty equivalent to five times the amounts of toll and realise the same.

4. Lump-sum payment of toll provision of entry licence.—(1) If an owner, driver or incharge of the transport vehicle opts to get entry licence in lieu of payment of toll on every entry in Bihar, he may get the entry licence after paying the lump-sum at the following rate—

	Rate
(i) Entry licence for a period of one year	Equivalent to total amount which would be payable by a vehicle at the entry of the State for 90 days continuously.
(ii) Entry licence for a period of six months.	Rate equivalent to total amount which would be payable by a vehicle at the entry of the State for 60 days.
(iii) Entry licence for a period of three months.	Rate equivalent to total amount which would be payable by a vehicle at the entry of the State for 45 days.
(iv) Entry licence for a period of thirty (30) days.	Rate equivalent to total amount which be payable by a vehicle at the entry of the State for a period of 20 days.

(2) On getting the payment of lump-sum for entry licence in respect of vehicle concern, the Regional Transport Officer or the Toll Tax Officer or the person authorised by the State Transport Commissioner shall issue a certificate in Form 2 under his seal and signature authorising the vehicle to enter State through any of the entry points during the period for which licence has been issued.

(3) The Toll or the lump-sum Toll once paid shall not be returned or adjusted.

(4) The entry licence issued under sub-rule 2 shall be produced by the driver or the owner or the person incharge for inspection on demand by the Toll Tax

Officer or any person authorised by the Toll Tax Officer or any person of the Transport Department authorised by the State Transport Commissioner.

5. Detention and disposal of vehicle or any part or accessory thereof.—

(i) A Competent Officer while taking action under sub-section (2) of section 6 shall prepare a detention order in Form-3 in triplicate and serve a copy of the order on the driver or any other person in charge of the transport vehicle and obtain his signature on the third copy of the order.

(ii) Such Officer may keep the transport vehicle so detained or any part or accessory thereof in his custody for 24 hours, and if during that period, toll and/or penalty has not been paid, he shall send or cause to be sent the transport vehicle or any part or accessory thereof so detained, to the nearest police station and may, for that purpose, require the driver to drive the vehicle upto the police-station; In such case, the second copy of the detention order shall be given by the Officer to the Police station.

(iii) The transport vehicles or any part or accessory thereof so detained shall be released on payment of the toll and/or penalty; as the case may be where the transport vehicle or any part or accessory thereof is in the custody of the Police Officer, a release order shall be issued by the Officer, detained it and on receipt of the release order, the transport vehicles or any part or accessory thereof shall be released forthwith by the Police Officer.

(iv) If during the period of one month from the date of detention toll and/or penalty is not paid, the transport vehicle or any part or accessory thereof so detained may be disposed of by the Regional Transport Officer by public auction at the risk and expense of the operator of the vehicle concerned and the sale proceed shall be disbursed to the operator after deducting therefrom the amount of toll and/or penalty due alongwith the expenditure incurred on the auction.

6. Appellate Authority.—(1) Any person aggrieved by an order made under section 7 may prefer an appeal—

- (i) to the Regional Transport Officer having jurisdiction of the order appealed against is passed by an Officer who is subordinate in rank to the Regional Transport Officer.
- (ii) to the Chairman Regional Transport Authority if the order appealed against is passed by an officer of the rank of Regional Transport Officer.
- (iii) to the Joint Transport Commissioner (Taxation) if the order appealed against is passed by an officer acting as Taxing Officer in the Office of the State Transport Authority.

(2) The appeal shall be disposed of by the appellate authority within one month from date of appeal after giving an opportunity of hearing to the parties concerned.

(3) An appeal under section 7(2) of the Act shall be in writing which shall bear a Court fee stamp of the value of Rs.10 and shall be presented to the Appellate Authority alongwith memorandum containing :—

- (i) The date of order against which appeal has been filed,
- (ii) The name and designation of the officer who passed the order, and
- (iii) The grounds of appeal set out briefly but clearly.

(4) The memorandum of appeal shall also be accompanied by a certified copy of the order appealed against and shall also contain an endorsement by the appellant as follows :—

- (i) That the amount of admitted Toll and penalty, if any, imposed has been paid, and
- (ii) That to the best of the knowledge and belief the facts set out in memorandum are true.

FORM-1

Book No. Date

Serial No.

Received from Shri sum of Rs.

(in words) in cash/Bank draft No. for Rs.

... .. on account of toll (Path-Kar) in respect of Motor Vehicle No.

... .. (mention type of vehicle) on its entry in Bihar State

on date

Signature of Toll Tax Officer

FORM-2

(See Rule-4 (2))

Certificate of payment of Lump-sum Transport Vehicle Toll for Entry Licence—

This is to certify that the operator whose particulars are detailed below has paid the lump-sum toll in respect of the transport vehicle mentioned below. The production of this certificate of the payment of toll for the purpose of its entry into through any of the check gates during the period from

Particulars :—

- (1) Name of the operator
 - (2) Address of the operator
 - (3) Registration mark of the vehicle:—
 - (i) Chassis No.
 - (ii) Engine No.
 - (4) Type of transport vehicles
 - (5) period of validity of the certificate:—

From... .. to... ..

(in words)
 - (6) Total amount of toll assessable:—
 - (7) Lump-sum toll paid Rs.
 - (8) (in words)
- Place :
- Date :
- Seal :

Signature of the Regional Transport
Officer/Taxation Officer.**FORM-3**

[(See Rule 5 (1))]

1. Detention Order of vehicle/part of vehicle/accessory of the Transport Vehicle.

Date

Time

Place
2. Name and designation of the Officer detaining the vehicles /part of the vehicle/accessory of the vehicle.
3. Name and address of the Operator or person incharge of the vehicle.
4. Name and address of the owner of vehicle.

Overall Dimensions of Motor Vehicles Rules, 1991

5. Name and address of witness:

- 1.
- 2.

6. Description of Transport Vehicle.

- (i) Registration Mark
- (ii) Chassis No.
- (iii) Engine No.
- (iv) Description of goods, if loaded.

7. Brief description of the vehicle/Part of vehicle/accessory of vehicle detained.

The above vehicle part of the above vehicle/accessory of the above vehicle has been detained under sub-section (2) of the Bihar Motor Transport Vehicles (Toll/Levy of) is given in the custody of the Police Station...The vehicle may not be released without the order of the undersigned or the order of the Appellate authority

The Operator/person incharge/driver of the vehicle is directed to remain with the vehicle for the safety.

If the vehicle is loaded, then permission is accorded to remove its goods by any other vehicle.

Signature of the Toll Officer

Signature of witnesses

1

2

Signature of operator

Signature of Toll Tax Officer

