

The M.P. Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985

MADHYA PRADESH

India

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Act 17 of 1985

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The M.P. Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985 M.P. Act No. 17 of 1985 [Dated 28th August, 1985] Received the assent of the Governor on 28-8-1985; assent first published in the Madhya Pradesh Gazette (Extraordinary), dated 29-8-1985. An Act to provide for the levy of toll on certain motor vehicles entering in the State 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. 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] [W.e.f. 15-9-1985 vide Notification No. 8-4-1984-VII, dated 9-9-1985.] 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 [The Motor Vehicles Act, 1988 (59 of 1988)] [Substituted by M.P. Act No. 15 of 1991.], shall have the respective meanings assigned to them in that Act.

3. Levy of toll.

(1)There shall be levied a toll '[on every transport vehicle plying under a permit granted under the [Motor Vehicles Act, 1988 (59 of 1988)] [Substituted by M.P. Act No. 15 of 1991.] 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 [two hundred rupees] [Substituted by M.P. Act No. 10 of 1988.] 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.

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. Notifications Section 3: (1) [Notification No. F. 22-167-86-VIII, dated 5-5-1988] [Published in M.P. Rajpatra (Asadharan), dated 6-5-1988 at page 911.]. - In exercise of the powers conferred by sub-section (1) of Section 3 of the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985 (No. 17 of 1985) and in supersession of this Department Notification No. 22-61-VIII-85, dated the 3rd October, 1985. the State Government hereby specify Rs. 75 (Rupees seventy-five) being the rate of toll for the purpose of the said section. Section 4: (2) [Notification dated 3-10-1985] [Published in M.P. Rajpatra Part I, dated 20-12-1985 at page 1969.]. - In exercise of the powers under Section 4, the State Government has, from time to time established barriers at the places specified in column (2) of the Schedule below, in districts specified in column (3) and on the routes specified in column (4) of the said schedule :-

Schedule

S.No.	Place	District	Routes
(1)	(2)	(3)	(4)
1.	Morena	Morena	Agra-Bombay (National Highway No. 3)
2.	Phooph	Bhind	Ilawa-Gwalior
3.	Chirula	Datia	Jhansi-Gwalior
4.	Sikandara	Shivpuri	Jhansi-Shivpuri
5.	Orcha-Tiraha	Tikamgarh	Jhansi-Tikamgarh-Chhatarpur
6.	Kaimaha	Chhatarpur	Kanpur-Chhatarpur
7.	Malthon	Sagar	Jhansi-Sagar

8.	Chakghat	Rewa	Rewa-Allahabad
9.	Hanumana	Rewa	Mirzapur-Rewa (National Highway No. 7)
10.	Morva	Sidhi	Sihgrauli-Dist. Mirzapur
11.	Ramanujganj	Surguja	Ambikapur-Gadhwal
12.	Tapkara	Raigarh	Raurkela-Raigarh
13.	Sankh	Raigarh	Ranchi-Raigarh
14.	Saraipali	Raipur	Kalak-Raipur (National Highway No. 6)
15.	Wagwahara	Raipur	Khariyar Road-Raipur
16.	Patekora	Rajnandgaon	Nagpur-Raipur (National Highway No. 6)
17.	Jagdalpur	Bastar	Raipur (Orissa)-Jabalpur
18.	Konta	Bastar	Bhadrachalam-Jagdalpur
19.	Rajengaon	Balaghat	Gondia-Balaghat
20.	Khawasa	Seoni	Nagpur-Jabalpur (National Highway No. 7)
21.	Sonsar	Chhindwara	Nagpur-Chhindwara
22.	Multai	Betul	Nagpur-Bhopal
23.	Adnanka	Betul	Akola-Betul
24.	Khilchipur	Rajgarh	Raipur-Bhopal
25.	Soyat	Shajapur	Raipur-Indore
26.	Nayagaon	Mandsaur	Chittorgarh-Indore
27.	Sendhwa	Khargone	Bombay-Agra (National Highway No. 3)
28.	Pitole	Jhabua	Ahmedabad-Indore
29.	Thandla	Jhabua	Kushalgarh-Indore
30.	Shahpur-Phata	Khandwa	Amrawati-Jalgaon-Indore
31.	[[Inserted by Notification dated 10-4-1990, published in M.P. Rajpatra, Part I, dated 27-4-1990, Page 1307.]		
	Loni	Khandwa	Raver-Burhanpur Road.
32.	Chhoti Sadri Neemuch	Mandsaur	Neemuch-Chhoti Sadri Road
33.	Pratapgarh Mandsaur	Mandsaur	Mandsaur-Pratapgarh Road
34.	Pratapgarh Sailana	Mandsaur	Pratapgarh-Piploda Road]
	Pahadi Bandha	Chhatarpur	Jhansi-Chhalarpur Road]

35. [[Inserted by Notification dated 10-4-1993, published in M.P. Rajpatra, Part I, dated 27-4-1990, Page 1307.]

36. [[Inserted by Notification dated 16-4-1993, published in M.P. Rajpatra, (Asadharan), dated 16-4-1993, at Pages 236-237.]

	Katangi	Balaghat	Balaghat-Tumsar
37.	Dhanpunji	Bastar	Jaipur/Udaisa/Jagdalpur
38.	Rengarpali	Raigarh	Raigarh-Sambalpur
39.	Wadrafnagar	Ambikapur	Ambikapur-Banaras
40.	Matvai	Sidhi	Sidhi-Mirzapur
41.	Pahadi bandha	Chhatarpur	Jhansi-Chhatarpur
42.	Loni	Khandwa	Khandwa-Adilabad
43.	Baghana (Neemuch)	Mandsaur	Neemuch-Udaipur
44.	Jamalpur	Mandsaur	Mandsaur-Dongarpur
45.	Pratapgarh (Piploda)	Ratlam	Jaora-Banswara
46.	Kharri Padora	Shivpuri	Shivpuri-Kota
47.	Dedatalai	Khandwa	Khandwa-Padatwada
48.	Chitracut	Satna	Satna-Chitracut
49.	Maehalpur	Rajgarh	Rajgarh-Jhalawada
50.	Londi	Chhatarpur	Chhatarpur-Mahoba
51.	Prilhvipur	Tikamgarh	Tikamgarh-Jhansi
52.	Umarthana	Guna	Beenaganj-Manoher-Thana
53.	Chandpur	Jhabua	Alirajpur-Chhota Udaipur]

54. [[Inserted by Notification published in M.P. Rajpatra (Asadharan), dated 21-6-1993 at 368.]

Nivali	Khargone	Julvania, Shahda Route]
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Section II :(3)[Notification No. F. 22-101-89-VIII, dated 30-12-1989] [Published in M.P. Rajpatra (Asadharan), Part I, dated 19-1-1990 at page 296.]-In exercise of the powers conferred by Section 11 of the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985 (No. 17 of 1985) the State Government hereby exempts the class of motor transport vehicles specified in column (1) of the Schedule below from the payment of toll under the said Act to the extent specified in Column (2) for the period specified in Column (3) of the said Schedule subject to such restrictions and conditions specified in column (4) thereof:-

Schedule 2

Class of Motor Transport Vehicles	Extent of exemption	Period	Restriction and condition subject to which exemption is granted
State carriages plying in the State of Madhya Pradesh under permits granted by the State Transport Authorities of the States which have reciprocal Transport Agreement with this State and which have been countersigned by the Madhya Pradesh State Transport Authority	Whole	From 1st December, 1989 to 30-11-1991.	That the similar exemption is granted by the State which is party to the Reciprocal Transport Agreement with the State of Madhya Pradesh.

(4) [Notification. No. F. 22-112-91-VII, dated 25-4-1992] [Published in M.P. Rajpatra (Asadharan), dated 1-5-1992, page 436.]. - In exercise of the powers conferred by Section 11 of the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985 (No. 17 of 1985), the State Government hereby exempts the class of motor transport vehicles specified in Column (1) of the Schedule below from the payment of toll under the said Act to the extent specified in Column (2) for the period specified in Column (3) of the said Schedule subject to such restrictions and conditions specified in Column (4) thereof :-

Schedule 3

Class of Motor Transport Vehicles	Extent of exemption	Period	Restriction and condition subject to which exemption is granted
(1)	(2)	(3)	(4)
State carriages plying in the State of Madhya Pradesh under permits granted by the State of Madhya Pradesh Transport Authorities of the State which have reciprocal Transport Agreement with this State and which have been countersigned by the Madhya Pradesh State Transport Authority.	Whole	The said notification will be in force for live by the years from the date of publication in the "Madhya Pradesh Gazette".	That the similar exemption is granted by the State which is party in the Reciprocal Transport Agreement with the State of Madhya Pradesh.

(5) [Notification. No. F. 22-80-93-VIII, dated 28-8-1993] [Published in M.P. Rajpatra (Asadharan), dated 28-8-1993 at page 538.]. - In exercise of the powers conferred by Section 11 of the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985 (No. 17 of 1985), the State Government hereby exempts until further orders all motor transport vehicles from the payment of toll subject to the following conditions, namely :- Conditions :

1. In respect of motor transport vehicles registered in a State/Union Territory which levies toll, this notification shall come into force on the date on which similar exemption to the motor transport vehicles registered in Madhya Pradesh is granted by such order State/Union Territory or the first day of September, 1993, whichever is later.

2. In respect of motor transport vehicles registered in the States/Union Territories which do not levy toll, this notification shall come into force on the first day of September, 1993.